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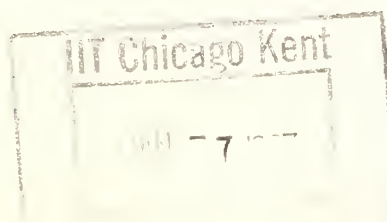
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Rules of Governmental Agencies

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CAPITAL DEVELOPMENT BOARD

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NOTICE OF PROPOSED REPEALER

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Illinois Accessibility Code

11) Time, Place, and Manner in which interested persons may comment on this rulemaking: From the date that this notice first appears in the *Illinois Register*, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

3) Section Numbers:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor, William G. Stratton Bldg.
Springfield, IL 62703
217/782-2864

2) Code Citation: 71 Ill. Adm. Code 400

Proposed Action:

400.110 Repeal
400.120 Repeal
400.130 Repeal
400.140 Repeal
400.150 Repeal
400.160 Repeal
400.170 Repeal
400.180 Repeal
400.190 Repeal
400.210 Repeal
400.310 Repeal
400.320 Repeal
400.330 Repeal
400.350 Repeal
400.410 Repeal
400.420 Repeal
400.510 Repeal
400.520 Repeal
400.610 Repeal
400.620 Repeal
400.630 Repeal
400.710 Repeal

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporation affected: All affected to the extent that accessibility requirements may apply to buildings or public facilities they own.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None required, but individuals may consult with architects, contractors, or attorneys.

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the proposed repealer begins on the next page:

4) Statutory Authority: Implementing and authorized by the Environmental Barriers Act [410 ILCS 25].

5) A Complete Description of the Subjects and Issues Involved: This proposed repealer will be replaced by new proposed rules published in this issue of the *Illinois Register*.

6) Will this proposed repealer replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporation by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED REPEALER

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
 CHAPTER I: CAPITAL DEVELOPMENT BOARD
 SUBCHAPTER b: ACCESSIBILITY STANDARDS

PART 400

ILLINOIS ACCESSIBILITY CODE (REPEALED)

SUBPART A: ADMINISTRATION

Section

400.110

Purpose

Standards Incorporated by Reference

400.120

Applicability

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Civil Enforcement

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Local Standards

400.150

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Severability

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400.210

Code Terms

SUBPART C: PUBLIC FACILITIES - NEW CONSTRUCTION

Section

400.310

Public Facilities - New Construction - Minimum Requirements

400.320

Additional Requirements for Specific Occupancy Types

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Exemptions

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Section

400.350

Multit-Story Housing - New Construction

SUBPART E: PUBLIC FACILITIES - ADDITIONS

Section

400.410

Public Facilities, Additions - Minimum Requirements

400.420

Exemptions

SUBPART F: PUBLIC FACILITIES - ALTERATIONS

Section

400.510

Public Facilities, Alterations - Minimum Requirements

400.520

Exemptions

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED REPEALER

SUBPART G: HISTORIC PRESERVATION

Section

400.610

Historic Preservation, Scope - Minimum Requirements

400.620

Technical Alternates for Historic Preservation Work

400.630

Exemptions for Historic Preservation

SUBPART H: STANDARDS FOR GOVERNMENT LEASING, RENTING OR USE OF
 PUBLIC FACILITIES

Section

400.710

Standards for Government Leasing, Renting or Use of Public Facilities

AUTHORITY: Implementing and authorized by the Environmental Barriers Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 3711 et seq.).

SOURCE: Amended April 21, 1969; amended at 2 Ill. Reg. 52, p. 33, effective December 18, 1978; emergency amendment at 4 Ill. Reg. 9, p. 253, effective February 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 27, p. 208, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 30, p. 1252, effective July 11, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3797, effective March 31, 1981; codified at 8 Ill. Reg. 19922; Part repealed new Part adopted at 12 Ill. Reg. 5243; effective May 1, 1988; Part repealed at 21 Ill. Reg. _____, effective _____.

SUBPART A: ADMINISTRATION

Section 400.110 Purpose

a) The purpose of this Illinois Accessibility Code (Code) is to implement the Environmental Barriers Act (EBA) (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 3711 et seq.) as amended to date, and to replace the Accessibility Standards Illustrated (71 Ill. Adm. Code 400). This Code is intended to ensure that the built environment, including all spaces and elements of all applicable buildings and facilities in the State of Illinois is so designed, constructed, and/or altered to assure the safety and welfare of all members of society and to be readily accessible to, and usable by, environmentally limited persons. Further, it is intended to ensure access by those environmentally limited persons who can reasonably be expected to perform the duties of a job in areas restricted to employees of businesses or concerns occupying such areas.

b) This Code, together with the Environmental Barriers Act (EBA) and the Reference Standards (defined in Section 400.120), has the force of a building code and as such is law in the State of Illinois.

Section 400.120 Standards Incorporated by Reference

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NOTICE OF PROPOSED REPEALER

- a) The American National Standards Institute (ANSI) Publication, "American National Standard for Buildings and Facilities -- Providing Accessibility and Usability for Physically Handicapped People" (ANSI A117.1-1986 herein referred to as the "ANSI STANDARD"), published by American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, as approved February 5, 1986, is hereby incorporated by reference as part of this Code, unless requirements are specifically exempted or modified by this Code. All references within this Code which are preceded by the term "ANSI" (e.g., ANSI Section 4.4), refer to the corresponding sections of the ANSI A117.1-1986 standard. This incorporation by reference does not include any later amendments or editions of ANSI.

- b) For projects involving historic preservation work only, the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983)."

AGENCY NOTE: The Standards for Rehabilitation are a part of the referenced document, published at 36 CFR 67.7, dated March 12, 1984. The complete reference document, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983), U.S. Department of the Interior, National Park Service, Preservation Assistance Division, Washington, D.C., is available from the U.S. Government Printing Office, Document No. 024-005-01003-3, Washington, D.C. 20402-9325. It is also available from the Illinois Historic Preservation Agency. The Standards and Guidelines do not include any later amendments or editions.

Section 400.130 Applicability

- a) Buildings and facilities covered: This Code applies to all "public facilities" and "multi-story housing units" as defined and governed by the EBA and located, in whole or in part, within the legal geographic boundaries of the State of Illinois, unless specifically exempted herein.
- b) The fact that a building or facility governed by the EBA is also a facility financed by federal funds is no bar to the application of this Code.
- c) This Code is applicable when work involving new construction, alterations, additions, historic preservation, restoration, or reconstruction in whole or in part begins after the effective date of this Code. The Code becomes enforceable with the signing of a construction contract, issuance of an official authorization or permit for construction, or the start of construction, whichever occurs first.
- d) Effective date of this Code: May 1, 1988.
- e) The requirements of this Code are not retroactive.

Section 400.140 Civil Enforcement

CAPITAL DEVELOPMENT BOARD

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- a) The Attorney General shall enforce the EBA and this Code in accordance with Section 6 of the EBA. The Attorney General shall investigate any complaint or reported violation and, where necessary to ensure compliance, may bring an action including, but not limited to, any or all of the following (Section 6, EBA):
- 1) mandamus;
 - 2) injunction to halt the construction, alteration, or use of any public facility which has been or is being constructed, altered, or leased in violation of the EBA and this Code;
 - 3) injunction to halt the construction or use of any multi-story housing unit which has been or is being constructed in violation of the EBA and this Code (Section 6, EBA);
 - 4) actions to require compliance with the EBA and this Code by private persons, state and local authorities, and other entities;
 - 5) actions to impose civil penalties in accordance with Section 7 of the EBA;
 - 6) other appropriate relief.
- Upon receipt of a complaint, the Executive Director of the Capital Development Board will forward it to the Attorney General. Any other person may request the State's Attorney of the county in which the public facility or multi-story housing unit is located to initiate prosecution under Section 6 of the EBA, or may forward the complaint to the Attorney General (Section 6, EBA).

Section 400.150 Local Standards

The provisions of the EBA and this Code constitute minimum requirements for all governmental units, including home rule units. Any governmental unit may prescribe more stringent requirements to increase and facilitate access to the built environment by environmentally limited persons (Section 8, EBA).

Section 400.160 Revisions to Code

This Code may be revised from time to time by the Capital Development Board in accordance with the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.) (Section 4, EBA).

Section 400.170 Interpretation of Requirements

- a) The requirements of this Code shall take precedence over similar requirements of the referenced ANSI Standard.
- b) For projects involving historic preservation work, the determination that an alteration will have an adverse effect upon the historic feature shall be based upon the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983). Alterations not recommended by the Standards shall be considered to have an adverse effect on the historic feature that justifies the application of the alternative

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NOTICE OF PROPOSED REPEALER

provisions for historic preservation work as defined Section 400.610, Historic Preservation.

- c) Words used in the singular number shall include the plural sense and vice-versa.
- d) Unless otherwise specified in the Code, each element or space of a particular building or facility shall comply with the applicable requirements of this Code.
- e) Use of the terms "provide" or "shall" means the provision is mandatory.

Section 400.180 Permits/Statement of Compliance

- a) Where permits are required for the construction or alteration of any public facility or multi-story housing unit, the plans and specifications submitted by the Owner to obtain such a permit shall be examined for compliance with this Code by the administrative authority which issues the permit for construction.
- b) Section 5(d) of the EBA requires a Statement of Compliance by the architect/engineer unless the cost of construction or alteration is less than \$50,000. For privately owned work it shall be filed with local administrative authority or, in the absence of an administrative authority, with the County Clerk. For publicly-owned work, it shall be filed with the governmental unit contracting for the work.
- c) The Statement of Compliance shall be worded as follows and signed by the Architect/Engineer:

STATEMENT OF COMPLIANCE

I have prepared, or caused to be prepared under my direct supervision, the attached plans and specifications and state that, to the best of my knowledge and belief and to the extent of my contractual obligation, they are in compliance with the Environmental Barriers Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 3711 et seq. as amended) and the Illinois Accessibility Code, 71 Ill. Adm. Code 400.

Signed: _____ Architect/Engineer
SEAL ILLINOIS REGISTRATION NO.: _____

Date: _____

- d) The seal of the Architect/Engineer as required by Section 11 of The Illinois Architecture Act (Ill. Rev. Stat. 1985, ch. 111, par. 1216, as amended to date), Section 8 of The Illinois Structural Engineering Act (Ill. Rev. Stat. 1985, ch. 111, par. 6510, as amended to date), and Section 13.1 of The Illinois Professional Engineering Act (Ill. Rev. Stat. 1985, ch. 111, par. 5119, as amended to date) may be provided in lieu of the "Statement of Compliance" required in (C) above.

Section 400.190 Severability

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED REPEALER

If any Section, subsection, paragraph, sentence, clause, or phrase of this Code is declared invalid for any reason, the remaining portions of this Code that are severable from the invalid part shall remain in full force and effect. If a part of this Code is declared invalid in one or more of its applications, the remaining part shall be severable and in effect in all valid applications.

SUBPART B: DEFINITIONS

Section 400.210 Code Terms

Definitions from ANSI A117.1-1986 and the Environmental Barriers Act as included herein are modified for compatibility of terminology. Terms used in this Code are defined as follows:

"Access Aisle" means an accessible pedestrian/circulation space between elements such as parking spaces, seating and desks, which provides clearance appropriate for use of the element by environmentally limited persons.

"Accessible" describes a site, building, facility, or portion thereof approached, entered and used by environmentally limited people in compliance with this Code.

"Accessible Route" means a continuous unobstructed path connecting all accessible elements and spaces in a building or facility that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by people with other disabilities. Interior accessible routes include, but are not limited to, corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes include, but are not limited to, parking, access aisles, curb ramps, walks, ramps, and lifts. An accessible route includes a means of ingress and egress.

"Accessible Space" means all spaces in a building except those which are specifically exempted by the EBA and this Code.

"Accessibility Standards," as required by the EBA, means this Code.

"Adaptability" means the ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added, raised, lowered, or otherwise altered with minimal structural changes so as to accommodate the needs of persons with or without disabilities, or to accommodate the needs of persons with different types or degrees of disability.

"Adaptable Dwelling Unit" means a dwelling unit constructed and equipped so it can be converted with minimal structural change

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED REPEALER

(including, but not limited to, relocating walls, widening doors and relocating toilet or kitchen plumbing fixtures) for use by persons with different types and degrees of environmental limitation (Section 3, EBA).

"Addition" means a newly constructed expansion, extension, or increase in the gross floor area of a public facility or multi-story housing unit (Section 3, EBA). Additions to a building must provide entry from the existing building at all common levels without necessitating leaving and reentering the addition from the outside.

"Administrative Authority" means a jurisdictional body that adopts or enforces codes, regulations and/or standards for the design, construction, or operation of buildings and facilities.

"Alteration" means any modification or renovation of a public facility which involves a structural change (Section 3, EBA) and includes, but is not limited to, change in the physical state of a public facility, or its permanent fixtures or equipment, remodeling, renovation, rehabilitation, historic preservation/reconstruction/restoration (as separately required by Section 400.610), improvements, extraordinary repairs (as defined herein), mechanical and electrical systems revisions, plumbing fixture changes, structural changes, changes in design function or layout of rooms, and rearrangement of means of egress. The following work is not included under the definition of Alterations: additions, reconstruction, routine maintenance, interior redecoration, minor mechanical and electrical systems alterations which involve a cost of less than 50% of a complete replacement system, replacement of plumbing piping or valves, reroofing, tuckpointing, exterior building facade or storefront rehabilitation except doors (unless exempted by Section 400.510(i)), and interior office landscaping rearrangement.

"Applicable Building Code" (see "Building Code, Applicable").

"Architect/Engineer" means an architect, professional engineer, or structural engineer as defined by the Illinois Architecture Act, the Illinois Professional Engineering Act, or the Illinois Structural Engineering Act who has the contract responsibility for the project, who prepares the construction documents from which the building is constructed, and who signs the Statement of Compliance with the Environmental Barriers Act and this Code.

"Archival Storage" means any storage area which is intended for the maintenance of unused records such as those used dead files.

"Area, Gross" means the total area of a building or part of a building measured from the outside face of the exterior walls, including areas

CAPITAL DEVELOPMENT BOARD

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of usable or occupiable basements, but not including areas of basements used for storage or mechanical purposes only, overhangs, and mechanical penthouses on the roof.

"Area, Net" means the total usable or occupiable area within the enclosing walls or partitions exclusive of shafts, partitions, columns, walls, elevators, stairs, permanent fixtures, toilet rooms, janitor closets, and mechanical, electrical, and telephone rooms.

"Authority having Jurisdiction" means administrative authority.

"Authoritative Technical Organization" in reference to cost estimating means any nationally published cost estimating guide used for estimating, and as interpreted, by the Architect/Engineer and approved by the administrative authority. Examples are: Robert Snow Means Company, Frank Walker Company, or McGraw-Hill Cost Information Systems (Dodge).

"Automatic Door" means a door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, sensing device, or manual switch mounted on or near the door itself. (See also "Power Assisted Door").

"Basement" means any floor level below the first floor as defined herein. See also "Story."

"Building" means anything that is constructed on real property usually with a floor, walls and a roof, which has as its principal purpose human occupancy or habitation. The use of the term "building" alone herein shall also include the term "Facility."

"Building Code, Applicable" means the building code adopted by the administrative authority under whose jurisdiction the work involved with construction, additions, alterations, or change of occupancy will be carried out. If no building code has been adopted by the administrative authority, or if the work is not within a municipal or other administrative authority's jurisdiction, the building code shall be deemed to be one of the following codes:

BOCA National Building Code, 1987, published by the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60477. No later amendments or editions included, or
Uniform Building Code, 1984 with amendments through 1987, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. No later amendments or editions included.

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"Built Environment" means those parts of the physical environment which are designed, constructed or altered by people, including all public facilities and multi-story housing units (Section 3, EBA).

"Business Use" means the use of a building or part of a building for the transaction of business or the rendering of professional services or for other services that do not involve the storage of stocks or goods, wares, or merchandise, except such as required for display purposes. Business use includes, but is not limited to banks, showrooms, outpatient clinics, fire and police stations, laundries and dry cleaning, print shops, and professional services.

"Children" means people below the age of twelve.

"Circulation Path" means an exterior or interior way of passage from one place to another, including both horizontal and vertical travel, for pedestrians including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

"Clear" means unobstructed. Standard door trim, door hardware, wall switches, framed documents, and base trim are not considered to be obstructions in corridors.

"Code" means this Illinois Accessibility Code.

"Common Use" or "Common Areas" means areas (including interior and exterior rooms, spaces, or elements) which are held out for the use by all tenants and owners in public facilities and multi-story housing units (for example, residents of an apartment building, occupants of an office building, or the guests of such residents or occupants) including, but not limited to, lobbies, elevators, hallways, laundry rooms, swimming pools, storage rooms, recreation areas, parking garages, building offices, conference rooms, patios, restrooms, telephones, drinking fountains, restaurants, cafeterias, delicatessens and stores (Section 3, EBA).

"Construction" means any erection, building, installation or reconstruction. Additions shall be deemed construction for purposes of the EBA and this Code (Section 3, EBA).

"Control" (see "Operable Part").

"Cost of the Work" means the reasonable estimated cost (for example, based on current cost data listed by an authoritative technical organization) of accomplishing the proposed construction or alteration as determined by the Architect/Engineer and approved by the administrative authority.

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"Cost, Reproduction" (see "Reproduction Cost").

"Coverage" means the extent of range of accessibility adopted and required by this Code.

"Cross Slope" means the slope of a pedestrian way that is perpendicular to the direction of travel (see running slope).

"Curb" means the change of level between sidewalk and street or alley and/or a raised edge or margin to strengthen or confine.

"Curb Ramp" means a short ramp cutting through a curb a built up to it.

"Detectable" means perceptible by one or more of the senses.

"Detectable Warning" means a standardized surface texture applied to or built into walking surfaces or other elements to warn visually impaired people of hazards in the path of travel.

"Disability" means a limitation or loss of use of a physical or sensory body part or function, such as visual impairment requiring glasses, loss of a finger or arm, paralyzes of legs, etc.

"Dwelling Unit" means a single unit of residence which provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing, sleeping, and the like. Dwelling units are found in housing types such as town houses and apartment buildings (Section 3, EBA).

"Educational Use" means an educational occupancy including, but not limited to the following uses: Day care centers, nursery schools, elementary and secondary schools, colleges and universities, technical schools, special education facilities, trade and vocational schools and academies.

"Egress" (see "Means of Egress").

"Element" means an architectural or mechanical component of a building, facility, space, or site that can be used in making functional spaces accessible (for example, telephone, curb ramp, door, drinking fountain, seating, water closet).

"Emergency Warning System" means a fire alarm, smoke or heat detector system used to activate emergency audible and visual alarms which can be heard and seen in each accessible space in the building or facility.

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"Employment Use" means any building or facility whose major use occupancy provides employment. Used herein primarily, but not exclusively, with reference to business use - see "Business Use".

"Entrance" (see "Means of Ingress and Egress", "Principal Entrance", and "Service Entrance").

"Environmental Barrier" means an element or space of the built environment which limits accessibility to or use of the built environment by environmentally limited persons (Section 3, EBA).

"Environmentally Limited Person" means a person with a physical, mental or communications disability or condition who is restricted in the use of the built environment (Section 3, EBA). Also, "Physically Handicapped Persons" or a person with a "disability."

"Essential Features" means those elements and spaces that make a building or facility usable by, or serve the needs of, its occupants or users. Essential features include, but are not limited to, entrances, toilet rooms, and accessible routes. Essential features do not include those functional spaces which house the major activities for which the building or facility is intended, such as classrooms and offices.

"Exit" means that portion of a means of egress which is separated from all other spaces of a building or structure by construction or equipment as required by the applicable building code to provide a protected way of travel to the exit discharge. The walls and ceiling, and any openings therein, of the protected way of travel shall provided a fire resistance rating as required by the applicable building code.

"Exit access" means that portion of a means of egress which leads to an exit.

"Exit Discharge" means that portion of a means of egress between the termination of an exit and a public way.

"Extraordinary Repair" means the replacement or renewal of any element of an existing building or facility for purposes other than normal routine maintenance. It includes, but is not limited to, replacement of sidewalk and curb ramp, replacement of a door and frame, complete stair replacement, plumbing fixture replacement, and plumbing/mechanical/electrical alterations and/or replacement which involves a cost of 50% or more of a complete replacement. See also "Alteration."

"Facility, Public" (See "Public Facility").

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"Facility" means all or any portion of a building, structure, or area, including the site on which such building, structure, site improvements, or area is located, wherein specific services are provided or activities are performed.

"First Floor" means the first horizontal floor level designed for public use which is located above or no more than two feet below the level of the finished floor of the principal entrance to the building.

"Floor" means any level within a building which may be occupied by the public. Mezzanines and seating tiers are not included in the definition of "floor" in this Code.

"Functional Spaces" means the rooms and spaces in a building or facility that house the major activities for which the building or facility is intended. Unfinished or undeveloped space is included as "Functional Space."

"Gathering" means an assembly occupancy including, but are not limited to the following uses: Auditoria, theaters, lecture halls, dance halls, skating rinks, bowling alleys, restaurants, night clubs and taverns, cafeterias, banquet halls, libraries, shopping centers or malls, bus/train/air terminals and stations, churches, synagogues and temples, museums and art galleries.

"Governmental Unit" means the State or any political subdivision thereof, including but not limited to any county, town, township, city, village, municipality, municipal corporation, school district, park district, sanitary district, local housing authority, public commission, public authority, the Illinois Housing Development Authority or other special purpose districts (Section 3, EBA).

"Grade" means the elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and an imaginary line five feet from the building.

"Hazardous Area" means a space or an area which may be dangerous, or cause injury, to the public if a person accidentally entered into such an area; if an environmentally limited person would be at risk in performing the duties of an employee therein; or if, due to its function, an environmentally limited person could not fulfill the duties of an employee in monitoring, repairing, servicing or replacing the material and equipment involved. Examples include, but are not limited to: loading docks; boiler or heater rooms; power and elevator equipment rooms and pits; tanks, lagoons, storage and processing facilities located at/above/below ground level; highly/technical facilities for mechanical, electrical or chemical storage and/or processing facilities; pump facilities; spaces with complex mechanical

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components of multi-level construction.

"Historic Building" means all buildings, parts of buildings, facilities or sites individually listed on the National Register of Historic Places, a "contributing" building or site in a National Register Historic District as determined by the Illinois Historic Preservation Agency (IHPA) or as determined by a "Certified Local Government" designated by the IHPA, a building or site designated as an historic or architectural landmark by a local Landmarks Commission or local Historic Preservation Commission, and buildings which undergo historic reconstruction.

"Historic Preservation" means the act or process of accurately preserving and/or recovering the form and details of a historic building and its setting as it appeared at a particular period of time by means of repair, stabilization, or restoration as defined herein. Historic Preservation also includes Historic Reconstruction and Historic Restoration.

"Historic Reconstruction" means the act or process of reproducing by new construction the exact form and detail of an original building, structure, object, or part thereof as it appeared at a specific period of time. Historic Reconstruction only applies to reconstruction of buildings which are open to view by the public, are used to demonstrate historic or architectural values, and/or are used for purposes of display of an historic building type, design, technique of construction or a period setting.

"Historic Restoration" means the act or process of accurately recovering the form and details of a building or facility and its setting as it appeared at a particular period of time by means of the removal of later works or by replacement of missing earlier work.

"Historically Interpreted Building" means a building which in whole or part is open to view by the public and has as its major purpose the display of an historic or architectural artifact created in the past in order to give a sense of cultural orientation and establish values of time and place. Historically interpreted buildings do not necessarily have attendants or formal guided or even self-guided tours."

"Housing, Financed or Guaranteed by a Governmental Unit" means any building, facility or portion thereof, excluding inpatient health care facilities, which contains one or more dwelling units or sleeping accommodations, and which is owned by or on behalf of a governmental unit, or financed, in whole or in part, for either initial construction or subsequent alteration, by a grant or a loan made or guaranteed by a governmental unit. Such housing may include, but is

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not limited to, one family dwellings, multi-family dwellings including multi-story apartment buildings, group homes, dormitories, housing for the elderly.

"Improved Area" (see "Site Improvements").

"Institutional Use" means the use of a building or part of a building for the harboring of three or more persons for medical, correctional, penal, or other care, treatment, or detention.

"Interior Redecoration" means replacement of interior floor, wall, and ceiling decorative finishes (such as carpet, wall coverings, paint, and paneling), window treatments (such as drapery, blinds, and shades), interior space lighting, fixtures, furnishings, and furniture.

"Level" means any horizontal plane of a building or facility which is designed or intended for human occupancy or habitation.

"Lodging" means the use of any building or structure for housing of a temporary, transient nature, excluding owner-occupied buildings of four or fewer lodging units (Section 3, EBA). This category includes, but is not limited to, the following building types: "bed and breakfast" houses, boarding houses, hotels, lodging houses, motels including cabins and other detached units, rooming houses, transient houses, tourist houses and "halfway" houses.

"Marked Crossing" means a crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

"Means of Egress" as required by the applicable local building code means a continuous and unobstructed path of travel from any point in a building or structure to a public way, and consisting of three separate and distinct parts: the exit access, the exit and the exit discharge. A means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts and yards.

"Means of Ingress and Egress" means any access point to a public facility or multi-story housing unit used for the purpose of entering and exiting. It includes the approach walk, the vertical access leading to the entrance platform, the entrance platform, vestibules, the entry doors or gates and the hardware of the entry doors or gates (Section 3, EBA). (See "Means of Egress.")

"Mercantile Use" means the use of a building or part of a building for the sale of goods, wares and merchandise and involving only incidental

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storage of such materials. It also means the use of a building or part of a building for assembling of persons for consumption of food and drink where occupancy count is less than 50 persons as determined by local building code. Mercantile use includes, but is not limited to: department stores, drug stores, markets, shopping centers, sales rooms, and other retail areas.

"Mezzanine" means any intermediate occupiable and usable level placed above any floor of a building and limited to 33% of the net floor area of the floor over which it is placed. The net area of a mezzanine is included in the net area of the floor above which it is placed.

Multi-story Housing Unit means any building of four or more stories and also containing ten or more dwelling units constructed to be held out for sale or lease by any person to the public (Section 3, EBA). This category includes, but is not limited to, the following building types: Apartment buildings, condominium apartment buildings, convents, dormitories, fraternities, housing for the elderly, group home, monasteries, private clubs, and sororities.

"Occupancy" means a classification of the use or uses of any public facility, and/or its rooms and spaces for purposes as defined by the applicable building code; for example, residential, institutional, assembly, business, mercantile, industrial, storage, hazardous, mixed, or miscellaneous uses. See "Building Code, Applicable."

"Operable Part or Mechanism" means a part of a piece of equipment or appliance used to insert or withdraw objects, or to activate, deactivate, control, or adjust the equipment or appliance (for example, coin slot, mail drop, pushbutton, handle).

"Owner" means the person contracting for the construction or alteration. Such person may be the owner of the real property or existing facility or may be a tenant of same (Section 3, EBA).

"Person" means one or more individuals, partnerships, associations, unincorporated organizations, corporations, cooperatives, legal representatives, trustees, receivers, agents, any group of persons or any governmental unit (Section e, EBA).

"Physically Handicapped Person" (see "Environmentally Limited Person").

"Planning" means the preparation of architectural or engineering designs or plans, technical or other specifications, landscaping plans or other preconstruction plans or specifications (Section 3, EBA).

"Power-assisted Door" means a door used for human passage, with a

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mechanism that helps to open the door, or to relieve the opening resistance of the door, upon the activation of a switch or the use of a continued force applied to the door itself. If the switch or door is released, such doors immediately begin to close or close completely within 3 to 30 seconds.

"Principal Entrance" means an entrance intended to be used by the residents or users to enter or leave a building or facility. This shall include, but is not limited to, the main entrance.

"Privately Owned Building" means any building which is not publicly owned as defined herein.

"Public" means any group of people who are users of the building and employees of the building, excluding those people who are employed by the owner of a building for construction or alteration of a building (Section 3, EBA). "General Public," as used in this Code, means any group of people who are only users of the building.

"Public Drinking Fountain" means any device in any public facility used to dispense drinking water to the public at no charge.

"Public Facility" means:

Any building, structure or improved area which is Owned by or on behalf of a governmental unit,
Leased, rented or used, in whole or in part, by a governmental unit, or
Financed, in whole or in part, by a grant or a loan made or guaranteed by a governmental unit; and

Any building, structure or improved area used or held out for use or intended for use by the public or by employees for one or more of the following uses as defined herein, including but not limited to the purpose of:

gathering
recreation
lodging
education
employment (primarily business-applicable to other uses)
institutional care

the purchase, rental, sale or acquisition of any goods, personal property or services (mercantile use); and
Public telephones, drinking fountains and restrooms (Section 3, EBA).

"Public Restroom" means any room equipped with one or more water closets and lavatories (and optionally, urinals), as well as "employee and public restrooms" required by the Illinois Plumbing Code (77 Ill. Adm. Code 890).

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"Public Telephone" means any telephone furnished as a convenience to the general public including, but not limited to, courtesy, house, emergency and security phones.

"Public Use" describes interior and exterior rooms or spaces that are made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

"Publicly Owned Building" means any building owned by the State of Illinois or any governmental unit.

"Ramp" means a walking surface in an accessible space that has a running slope greater than 1:20.

"Reconstruction" means the act or process of reproducing by new construction the exact form and detail of an original building, structure, object, or part thereof. See Section 400.610 for "Historic Reconstruction."

"Recreational Facility" means as assembly occupancy including, but not limited to the following uses: Parks, camping grounds, public indoor and outdoor swimming pools and beaches, zoos, botanical gardens, amusement parks, fair grounds, carnivals, playgrounds, boat launching facilities, arenas, stadia, and grandstands.

"Rehabilitation" (see "Alteration").

"Remodeling" (see "Alteration").

"Renovation" (see "Alteration").

"Reproduction Cost" means the estimated cost of constructing a new building, structure or improved area of like size, design and materials at the site of the original building, structure or improved area, assuming such site is clear. The reproduction cost should be determined using current costs of an authoritative technical organization (Section 3, EBA). See Estimating Guide published by "Authoritative Technical Organization."

"Restoration" (see "Historic Preservation").

"Running Slope" means the slope of a pedestrian way that is parallel to the direction of travel (see cross slope).

"Service Entrance" means an entrance intended primarily for delivery or service. A "service entrance" may not be the "principal entrance" unless it is the only entrance to the building/facility

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"Shall" denotes a mandatory requirement.

"Signage" means verbal, symbolic, tactile and pictorial information.

"Single family residence" means a building with a residential occupancy containing only one family as defined under applicable building code. It also includes private parking garages and other accessory buildings on the same lot as a single family residence.

"Site" means a parcel of land bounded by a property line; or a designated portion of a public right-of-way.

"Site Improvements" means landscaping, pedestrian and vehicular pathways, steps, ramps, curb ramps, parking lots, outdoor lighting, recreational facilities, and the like, added to a site.

"Sleeping Accommodations" are rooms in which people sleep.

"Space" means a definable area (for example, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby).

"State" means the State of Illinois and any instrumentality or agency thereof (Section 3, EBA).

"Storage, Personal" means hang rod, shelving, or other facilities that may be provided for storage of personal items.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above. The portion between the upper surface of a basement floor and the upper surface of the floor above shall be considered a story if at least 50% of the basement gross floor area consists of functional spaces.

"Structure" means building as defined herein.

"Structural Element" means a load-carrying component of a structural system of a building, structure, or facility such as a foundation, wall, column, strut, slab, beam, girder, truss, or arch.

"Structurally Impracticable" means a change that cannot be accomplished in an existing building or facility without removing or altering a major load-bearing structural element, as approved by the administrative authority.

"Tactile" describes an object that can be perceived using the sense of touch. Tactile characters shall be raised or indented at least 1/32".

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"Telephone, Public" (see "Public Telephone").

"Telecommunication Device for the Deaf" (TDD) a portable device with a standard keyboard and a computer for telephone hookup.

"Tenant Work" means new construction or alterations to the interior of an existing building by an individual or company who does not own the building, but who will lease the space from the building owner.

"Temporary" means a building or any element of a building which is not permanent and is designed to be used only for a short period of time for some special purpose. Time limitation within the definition of temporary is generally six months for most temporary buildings or elements.

"Tier or "Tier Seating" means any intermediate occupiable and usable level placed above or below any floor of a building, or a step or raised or lowered platform on the floor itself used normally for elevating or lowering a seating or viewing position. The net area of a tier is included in the net area of the floor above, below or on which it is placed.

"Vehicular Way" means a route intended for vehicular traffic, such as a street, driveway, or parking lot.

"Walk" means an exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

"Walking Aid" means a device used by a person who has difficulty walking (for example, a cane, crutch, walker, or brace).

"Work" means the process of new construction, alterations, additions, historic preservation, restoration, reconstruction, or the design thereof.

SUBPART C: PUBLIC FACILITIES - NEW CONSTRUCTION

Section 400.310 Public Facilities - New Construction - Minimum Requirements

All public facilities to which the Environmental Barriers Act and this Code apply, and which involve work of wholly new construction or reconstruction and not additions, alterations, or historic preservation, shall be accessible to environmentally limited persons on all floors (levels), mezzanines and tiers, unless specifically exempted in this Code, by meeting ANSI Sections 4.1 and 4.2 and the following minimum requirements:

- a) Accessible Route
 - 1) Accessible routes complying with ANSI Sections 4.3, 4.4 and 4.5

shall be provided to serve all accessible spaces or elements. This includes exterior routes, at least one accessible means of ingress and egress, as well as interior horizontal (e.g. corridors) and vertical (e.g. elevators) circulation routes. Interior horizontal circulation routes shall provide maneuvering clearances at doors per ANSI Section 4.13.6.

- 2) New site improvements constructed on public property or right-of-way shall be accessible and connect with existing facilities to form an accessible route to public transportation facilities, taxi stands, passenger loading zones, parking, and accessible facilities on non-contiguous sites. They shall include streets, curbs, curb ramps, walks, over and underpasses, pedestrian bridges, etc. As such existing facilities are replaced, the new work shall be accessible.

b) Means of Egress and Place of Refuge

- 1) Accessible routes shall serve as the exit access portion of the means of egress for emergencies, or connect to an accessible place of refuge as required in Section 400.310(b)(5). Where applicable building code provisions require more than one means of egress from any space or room, the exit access portion of each means of egress shall be served by accessible routes.

- 2) All doors which are part of a means of egress required by the applicable building code shall comply with ANSI Section 4.13.

- 3) Stairs meeting the requirements of ANSI Section 4.9 and the applicable building code are permitted within the exit portion of the means of egress.

- 4) Except as required by the applicable building code, a means of egress and an accessible place of refuge are not required for one-family and two-family units and one or two-story detached dwelling units.

- 5) In multi-story public facilities and multi-story housing units without exit discharge at grade level from each floor, the following types of place of refuge shall be provided at each floor of the building except the level of exit discharge:
 - A) Horizontal exit(s) into another fire compartment, as permitted by the applicable building code, complete with all fire-rated door assemblies, walls and other elements as required by the applicable building code.

- B) At least one place of refuge within every stairway which is required as an exit by the applicable building code. The place of refuge shall be an area of at least 10 square feet of clear floor area on each floor landing of the stairs in addition to that area required for exiting, and does not reduce the travel width or reduce the swing of the door.

This place of refuge shall be accessible to an environmentally limited person in a wheelchair and have a configuration that will accommodate at least one wheelchair in positions which do not obstruct people exiting. All

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elements and the construction of the stairway, within which the place of refuge is located, shall meet the fire resistance requirements of the applicable building code, or a minimum of one hour fire resistance rating, and shall have self-closing doors.

C) The floor plan showing exit discharge(s) shall indicate the number of environmentally limited persons anticipated to be evacuated in an emergency for the assistance of the owner in preparing an emergency management evacuation plan prior to occupancy of the building.

6) In all buildings, if exterior stairs are provided leading to grade, which are part of a code-required means of egress, an accessible exterior platform at the level of exit discharge shall be provided. The platform shall provide an area of at least 10 square feet, in addition to that area required for exiting, which does not reduce the required travel width, and is not reduced by the swing of the door. This space will be accessible to an environmentally limited person in a wheelchair and have a configuration that will accommodate one wheelchair.

c) Parking Spaces and Passenger Loading Zones

1) If any parking is provided for employees, visitors, or both, the minimum number of accessible parking spaces to be provided for environmentally limited persons are as follows:

TOTAL OFF-STREET PARKING SPACES REQUIRED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES
1 to 20	1
21 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total number
over 1000	20 plus 1 for each 100 over 1000

2) Each parking space, except on-street spaces, shall consist of an eight foot wide parking space and an adjacent four foot six inch wide access aisle. Except for required width, both shall comply with the technical requirements of ANSI 4.6. Effective July 1, 1988, in compliance with "An Act to amend Sections 11-301 and 11-301.2 of "The Illinois Vehicle Code," approved September 29, 1969, as amended, and to add Section 11-301.1 thereto (P.A. 85-484, effective July 1, 1988), each parking space shall be at least sixteen feet wide including an eight foot wide access aisle, and adjacent parking spaces shall not share a common

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access aisle. All access aisles shall blend to a common level with an accessible route and shall be diagonally striped.

3) No accessible parking shall be required if only attendant or valet parking is provided and is available at all times the facility is open for public use. However, if accessible at-grade parking is available, at least one space for self parking of a vehicle with sensitive specialized control devices shall be provided.

4) The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved in consideration of such factors as anticipated usage, number and location of entrances and level of parking areas.

5) If passenger loading zones are provided, all such passenger loading zones shall comply with ANSI Section 4.6.3.

d) Curb ramps

Curb ramps shall be provided wherever an accessible route crosses a curb, and shall comply with ANSI Section 4.7.

e) Ramps

1) If the running slope of the terrain, sidewalk, walk, street, level, tier, floor, or other accessible route exceeds 1:20, and if no other means of accessible vertical access (e.g., accessible elevator conforming with ANSI Section 4.10, or accessible platform lift conforming with ANSI Section 4.11) is provided, a ramp shall be provided to accommodate the change of level, and comply with ANSI Section 4.8.

2) The following areas do not have to be served by accessible ramps: Temporary raised platforms; Seating tiers, theater rows, stadium rows, and auditorium rows utilizing fixed seating are provided that they comply with Section 400.320(a)(1), and further provided that the same functions and services are available on an accessible level of the space. Ramps do not have to be provided to all levels of a multi-level platform. For requirements for restaurants and cafeterias see Section 400.320(d)(5).

f) Stairs

Stairs which are required as a means of egress by the applicable building code, stairs which are part of an accessible route and stairs between floors and/or levels not served by an elevator, platform lift or ramp shall comply with ANSI Section 4.9.

g) Elevators

1) All passenger elevators provided in a building or facility shall comply with ANSI Section 4.10.

2) All levels of a building or facility shall be served by passenger elevators complying with ANSI Section 4.10, unless exempted by this Code.

3) Grab bars in compliance with ANSI Section 4.24 shall be provided on the side walls (and preferably both side and rear walls) of all accessible passenger elevator cabs, mounted at a height of between 2'-8" and 3'-0" above the floor of the cab. A bar

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section 1 1/4" to 1 1/2" in depth, minimum 3/8" thickness, with 1/8" radius edges is also acceptable.

- 4) Floor designations are required for hoistway entrances and shall have tactile characters.

- 5) The following areas do not have to be served by accessible passenger elevators:

A) Temporary raised platforms; Seating tiers, theater rows, stadium rows, and auditorium rows, utilizing fixed seating are provided that they comply with Section 400.320(a)(1), and further provided that the same functions and services are available on an accessible level of the space. Elevators do not have to be provided to all levels of a multi-level platform.

B) Areas served by ramps which conform to ANSI Section 4.8.

C) Areas served by platform lifts which conform to ANSI Section 4.11.

h) Platform Lifts

If no other means of accessible vertical access is structurally practical, a platform lift which complies with ANSI Section 4.11 shall be provided in lieu of conforming accessible ramps or elevators.

i) Windows

Operable windows, where required shall conform with ANSI Section 4.12. Operable windows are required for accessible or adaptable dwelling units and sleeping accommodations such as those found in multi-story housing units and lodging. Operable windows are desirable, but not required, in buildings of other occupancy types.

j) Doors

All doors to accessible spaces as defined in Section 400.210 shall comply with ANSI Section 4.13.

k) Entrances

All entrances to a building or facility which are part of an accessible route shall comply with ANSI Section 4.14.

l) Drinking Fountains and Water Coolers

All public drinking fountains and water coolers which are provided in a public facility shall comply with ANSI Section 4.15.

m) Restrooms, Bathrooms, Bathing Facilities and Shower Rooms:

1) Public facilities, required by the Illinois Plumbing Code (77 Ill. Adm. Code 890) to have a "Minimum Number of Plumbing Fixtures" shall have accessible restrooms and related fixtures for each sex (excluding bathrooms in apartments of residential occupancies) as required herein and by ANSI Section 4.22. Design and location of plumbing fixtures shall provide the same conditions and privacy for all users.

2) When restroom facilities in excess of the "Minimum Number of Plumbing Fixtures" required by the Illinois Plumbing Code (77 Ill. Adm. Code 890) are provided in public facilities for convenience of employees, at least one fixture of each type (excluding urinals) in each restroom shall be accessible as

required herein and by ANSI Section 4.22. If stalls are provided, the "Alternate Stall" is acceptable.

- 3) At least one toilet stall in every restroom required by the applicable code shall be designed to provide the equivalent space and privacy of the "Standard Stall" design shown in ANSI Section 4.17, Figure 30a. If the required restroom contains only one water closet and one lavatory, a toilet stall is not required, however, the room itself shall comply with ANSI Section 4.22.

4) "Unisex" accessible restrooms are prohibited in all buildings and facilities which have more than five working employees at any one time as defined in the Illinois Plumbing Code (77 Ill. Adm. Code 890).

5) All public restrooms in public facilities shall be appropriately identified with signage and the International Symbol of Accessibility. See (r) and ANSI Section 4.28.

6) At least one urinal complying with ANSI Section 4.18 shall be provided in each restroom where more than 4 urinals are provided or required by the Illinois Plumbing Code (77 Ill. Adm. Code 890).

7) At least one lavatory sink and mirror in restrooms shall comply with ANSI Section 4.19.

8) If bathing facilities are provided, at least one for each sex shall comply with ANSI Section 4.22 and with either ANSI Section 4.20 or 4.21. Individual bathrooms in conjunction with lodging units and dwelling units are excluded and shall meet accessibility requirements of Section 400.320(d) or (f), or 400.350.

9) The temperature of the hot water at the outlet for lavatories, bathtubs and showers shall not exceed 110 degrees.

n) Storage

1) If built-in personal storage facilities such as cabinets, shelves, closets and drawers are provided in accessible spaces, at least 5% of each type, or at least one of each type provided, shall comply with ANSI Section 4.23.

2) Archival storage areas are exempt from accessibility by this Code.

o) Controls and Operating Mechanisms

Where controls and operating mechanisms are provided in accessible spaces, along accessible routes, or as part of accessible elements, operable parts and controls shall comply with ANSI Section 4.25.

p) Alarms

Where emergency warning systems are required or provided, they shall comply with ANSI Section 4.26, and shall be both audible and visual. Visual alarms shall be arranged so the flashing light beam can be seen from all accessible spaces.

q) Detectable Warnings

Detectable warnings conforming with the technical requirements of ANSI Section 4.27 shall be provided in all locations specified in ANSI

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r) Signage

- 1) Each parking space designated as reserved for environmentally limited persons shall be equipped with a sign which complies with Section 11-301 of The Illinois Rules of the Road (Ill.Rev. Stat 1985, ch. 95 1/2, par. 11-301 et seq. as amended to date by P.A. 85-484, effective July 1, 1988) and meets the requirements of Sign R7-8 (U.S. Department of Transportation Standard). Signs shall be vertically mounted on a post or a wall at front center of parking space, no more than 5'-0" horizontally from the front of the parking space, and set a minimum of 4'-0" from finished grade to the bottom of the sign.
- 2) Signs complying with ANSI Section 4.28.5 shall be provided at the following locations:
 - A) Passenger loading zones
 - B) Accessible entrances
 - C) Accessible toilet rooms, bathing facilities, and shower facilities
 - D) Public telephones complying with ANSI Section 4.29.

- 3) Where directional graphics or signage is provided which gives emergency information, it shall comply with ANSI Section 4.28, and shall have tactile characters or symbols.
- 4) Room identification and numbers shall have tactile characters. They shall be placed along side the latch side of the door and mounted 4'-6" to 5'-0" above the floor.
- 5) Signs identifying "TDD Access" as required by Section 400.310(s)(2) shall be provided. Signage shall comply with ANSI Section 4.28, but need not be tactile. Mount 4'-6" to 5'-0" above the floor.
- 6) Where other graphics or signage is provided, it shall comply with ANSI Section 4.28, but need not have tactile characters or symbols.
- 7) All signs shall have glare free surfaces and comply with ANSI Section 4.28.3. Provide light color character on a dark background.

s) Telephones

- 1) Where public telephones are provided, at least one per floor or one per bank of telephones shall comply with ANSI Section 4.29. Volume control of receivers is required on at least one telephone per floor or one telephone per bank of telephones. Phones with volume control shall be so identified with signs.
- 2) Where banks of public telephones are provided in reception rooms, assembly areas, transportation centers, atriums, shopping malls, and similar areas, there shall be an electrical outlet provided for at least one of the telephones in the bank in order to obtain access to the use of a Telecommunications Device for the Deaf/(TDD). The location shall be identified with appropriate signage.

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t) Seating, Tables and Work Surfaces

- 1) Where fixed or built-in seating, tables and work surfaces are provided, at least 5% but at least one shall comply with ANSI Section 4.30.
- 2) Where service counters exceeding 36 inches in height are provided as standing counters, an auxiliary service counter or other space suitable for the business transaction by an environmentally limited person shall be provided in the immediate vicinity and provide the same services. The auxiliary countertop shall comply with ANSI Section 4.30.

Section 400.320 Additional Requirements for Specific Occupancy Types

All public facilities are subject to Section 400.310 (a) through (t) inclusively and to the following additional requirements as appropriate to the occupancy type.

a) Auditorium and Assembly Areas

- 1) Wheelchair locations shall comply with ANSI Section 4.31, and shall be provided in the following minimum quantities:

Number of Fixed Seats	Number of Wheelchair Locations
1 to 25	1
26 to 50	2 together
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

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and staff shall be accessible.

2) 2½ or a minimum of two lockers in every room where lockers are provided shall be accessible to persons in wheelchairs, shall be located within a reach range of 9" to 4'-0" above the floor, and have a minimum clear space in front of 3'-6". Accessible circulation routes to the lockers shall comply with ANSI Section 4.3.

3) Where showers are provided, at least one shower for each sex shall be accessible to people in wheelchairs and comply with ANSI Sections 4.21 and 4.22.

4) In laboratories and other work or study areas which are provided with fixed work countertops, there shall be at least one station which complies with ANSI Section 4.30.

c) Health Care, Outpatient Facilities, Hospitals and Nursing Homes

1) All public use spaces, common use spaces, and employee use spaces not otherwise exempted shall be accessible.

2) Where in-patient medical care is provided, all bedrooms and bathrooms shall have accessible doors complying with ANSI Section 4.13.

3) Five percent (5%) or a minimum of 2 per floor, whichever is the greatest, of patient bedrooms with bathrooms shall have fully accessible bathrooms complying with ANSI Section 4.22.

d) Housing Owned or Financed by a Governmental Unit

Housing units owned or financed by a governmental unit which consist of five or more dwelling units on each project site shall comply with all requirements of Multi-story Housing, Section 400.350

e) Libraries

In addition to other applicable accessibility requirements, all libraries shall comply with the following requirements:

1) At least 5% or a minimum of one of each element of fixed seating, tables, or study carrels shall comply with ANSI Section 4.30.

2) Where service counters exceeding 36 inches in height are provided as standing counters, an auxiliary service counter or other space suitable for the business transaction by the environmentally limited shall be provided in the immediate vicinity and provide the same services. The auxiliary countertop shall comply with ANSI Section 4.30.

3) All traffic control or book security gates shall comply with ANSI Section 4.13.

4) Minimum clear aisle width at card catalogs, magazine displays, and all book stacks shall be 36 inches wide.

5) Maximum accessible reach height at card catalogs, magazine displays or reference book stacks shall comply with ANSI Section 4.2. Shelf height in general (not reference) book stack areas is unrestricted.

f) Lodging

1) All common areas, common use spaces, and public use spaces shall be accessible.

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2) Five percent of the total number of lodging units with or without bathrooms, or at least one, whichever is greater, shall be accessible and comply with the space requirements of ANSI Section 4.32.

3) Entrance doors to all individual lodging units shall be accessible per ANSI Section 4.13.

4) If common use restrooms and shower rooms are provided in lieu of private bathrooms in each accessible lodging unit, they shall be located on an accessible route in compliance with ANSI Section 4.3 and the rooms shall comply with ANSI Section 4.22.

5) A permanent audible and visual emergency warning system complying with Section 400.310(p) and ANSI Section 4.26 shall be provided in all public use and common use areas of lodging buildings.

6) Portable or permanent audible and visual emergency warning systems complying with ANSI Section 4.26 shall be provided in lodging units on an as-needed basis at the request of a hearing impaired person. If permanent systems are provided, they shall be provided in all lodging units. If portable devices are provided, at least one shall be provided for each fifty units or fraction thereof. If a patron of a hotel or motel requests an emergency warning system which is audible and visual, it shall be the duty of the hotel operator or motel operator to provide installation of such a system in the patron's room, or to assign the patron to a room equipped with such a system. Each hotel operator and each motel operator shall post a notice at the place of registration of patrons, bearing the legend "Visual Alarms for the hearing impaired available."

g) Mercantile and Business Occupancies

All buildings used for business transactions for the public hall comply with the following:

1) Where built-in fixed service counters exceed 36 inches in height, provide an auxiliary service counter complying with Section 400.130(t).

2) If checkout aisles are provided, at least on accessible checkout aisle with a clear width of 36 inches shall be provided.

3) Any device used to prevent the removal of shopping carts from store premises shall not prevent ingress or egress to environmentally limited persons.

4) Where dressing rooms are provided for trying on clothes, at least one in every group shall be accessible.

5) Product display shelf height - no requirements.

6) Exemption - product storage areas need not be accessible.

h) Museums and Exhibition Areas

1) In museums and exhibition areas, every level with displays open to public viewing shall be accessible and shall comply with ANSI Section 4.3.

2) Displays shall be signed so that they shall be able to be viewed by seated persons and are accessible to persons in wheelchairs.

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- 3) In state-owned facilities, audible and visual interpretive information shall be provided for persons with auditory or visual impairment.

i) Public Facilities Which Primarily Serve Children

The following dimensions and accessories may be adjusted to suit the age of children to be accommodated in the facility.

- 1) Water closets (suggested height - 1'3")
- 2) Toilet stall grab bars (suggested height 10" above seat) 3'-0" long, extended 1'-6" beyond front edge of water closet. To support 150 lb. load.
- 3) Lavatory (suggested height 2'-5" from floor to bottom of apron).
- 4) Controls, receptacles, and dispensers (suggested height 3'-4" above finished floor).
- 5) Supplemental handrails (suggested height 2'-0" from center of bar to floor surface) (Note that this does not supercede other Code requirements for guard and hand rails at proper heights).
- 6) Drinking Fountain Spouts (suggested height 2'-6" above finished floor).

j) Recreational Facilities

- 1) Parking lots, toilets, showers, cabins, campsites, concession stands, craft areas, boat docks and other communal areas shall be accessible and be on an accessible route.
- 2) Five percent or at least 2, whichever is the greater, of all camping sites shall be accessible to those in wheelchairs by having an accessible parking space and walk which leads to the camp sites, rest rooms, and fire-pits, where provided. Trails over steep or difficult terrain need not be accessible.
- 3) Swimming pools, beaches, zoos, botanical gardens, amusement parks, fairgrounds, bowling alleys, playgrounds, sports facilities, marinas and other recreational facilities shall be accessible. Where provided, all allied facilities, such as parking, horizontal and vertical circulation, entrances, toilet facilities, changing and shower facilities shall meet the specific requirements of this Code.

k) Restaurants and Cafeterias

- 1) At least 5% of all fixed seating or tables in a restaurant or cafeteria shall comply with ANSI Section 4.30.
- 2) Food service lines shall have a minimum clear width of 36 inches.
- 3) Tray slides shall be mounted no higher than 34 inches above the floor.
- 4) Tableware, dishware, condiment, food and beverage display shelves, and dispensing devices shall be located within reach range by a person in a wheelchair as specified in ANSI Section 4.2.
- 5) In restaurants or cafeterias where there are mezzanine levels, loggia, or raised platforms, accessibility to all spaces is not required if at least 50% of the spaces providing the same services and decorative character are located on accessible paths

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of travel.

1) Temporary Buildings and Facilities

All temporary buildings, facilities, accessible routes, and building elements shall comply with the applicable accessibility requirements of this Code, unless specifically exempted in Section 400.330. In no case shall a temporary building or facility cause an existing building or facility to be further from compliance with this Code than it was prior to the erection of the temporary building, facility, accessible route, or building element.

m) Tenant Work

- 1) Tenant finishing work (including, but not limited to, partitions, doors, and officescapes) which is first constructed within any space of a building shall be considered as new construction within this Code, and shall comply with all requirements of this Code for new construction, including the principal entrance to the tenant space.
- 2) Tenant finishing work which is constructed subsequent to the first tenant remodeling of a building shall be considered alterations within this Code, and shall comply with requirements of this Code for alterations. The area of required compliance shall include the principal entrance to the tenant space.

n) Transportation Terminals/Stations, and Shopping Malls

- 1) All public facilities which are used for transportation terminals, stations and shopping malls shall have a visual information source which shall be located immediately adjacent to principal entrance(s) of transportation terminals/stations and shopping malls to give visual directions or information to environmentally limited persons. Such visual information source shall be one or both of the following:

- A) A floor plan of the building, with viewer's position marked and properly oriented, showing vehicle embarkation and disembarkation points, entrances and exits, ticket counters, public lockers, telephones, and public restrooms;
- B) Printed and graphic information, complying with ANSI Section 4.28, with tactile characters and symbols.

- 2) Provide for installation of a Telecommunication Device for the Deaf (TDD) at all major public transportation sites as required by "AN ACT in relation to the installation of telecommunication devices for use throughout the State by individuals with hearing impairments." (Ill. Rev. Stat. ch. 111 1/2, par. 4201 et seq).

Section 400.330 Exemptions

The following buildings or parts of buildings are exempted from applicability of the minimum requirements for new construction.

- a) Privately owned single and two-family residences and any sheds, storage buildings, or garages incidental thereto.
- b) Privately owned apartment buildings which are not herein classified as

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multi-story housing units.

c) Individual dwelling units in privately owned multi-story housing units, except as required to be adaptable or accessible as defined herein.

d) Housing, owned or financed by a governmental unit consisting of less than 5 dwelling units located on an individual site, and any sheds, storage buildings, or garages incidental thereto.

e) Elevators or lifts are not required to serve the second floor or mezzanine space of privately owned public facilities, subject to the following:

1) The exemption applies to the second story or the mezzanine of a two story building, and to the mezzanine space of a one story building.

2) The second story or mezzanine space is limited to 1,000 square feet or less.

3) The exemption does not apply to areas of visitor usage or to common employee usage such as locker areas, toilet facilities, or lunchrooms if these facilities are the only ones in the building.

f) Farm buildings related solely to agricultural production or storage.

g) All inmate housing portions of detention and correctional facilities owned by the State of Illinois or a governmental unit, except that 5% or at least one, whichever is greater, of the individual detention housing units shall be accessible.

h) Areas of attendant or valet parking facilities which are restricted to employee use.

i) Penthouses, rooms or mezzanines used exclusively for building maintenance, mechanical, electrical, plumbing, or fire protection systems purposes.

j) Machine rooms, shafts, and pits used for elevators and dumbwaiters.

k) Electrical, telephone, and communications equipment closets, and switchgear and transformer rooms. Also buildings and facilities enclosing similar functions without full-time occupancy.

l) Catwalks and booths used exclusively for lighting, sound, and/or projection control, including projection rooms of the professional type in theaters.

m) Inspection and maintenance catwalks in industrial and hazardous use occupancies as defined in the applicable building code.

n) Diving boards and diving towers, boxing and wrestling rings.

o) Roofs not intended for public or building tenant use.

p) Miscellaneous buildings and parts of buildings include those of unusual occupancy and those not included in specific use groups classified by the applicable building code. They shall not exceed 1000 square feet in area and shall have limited occupancy, except as provided below, and shall include, but not be limited to:

1) Dormitory and equipment maintenance portions of fire stations - area and occupancy not limited.

2) Employee areas of gasoline filling stations.

3) Detached drive-up banking facilities.

4) Walk-up vending stands, miscellaneous merchandising dispensing facilities, and similar facilities of less than 200 square feet.

5) Elevated control, observation, and security towers.

q) Temporary buildings and structures associated with the actual process of major construction, such as portable offices and toilets, scaffolding, bridging, rigging, trailers, and the like. Temporary walk by-passes around construction sites are not exempted.

r) Covered storage areas of lumber yards, steel warehouses, and miscellaneous materials.

s) Commercial greenhouses, except business and mercantile spaces.

t) Vehicular bridges which do not provide pedestrian access.

u) Industrial occupancies, except:

1) The first or main operating floor shall have limited accessibility as follows if its intended use may result in employment of environmentally limited persons.

A) Accessible route - Section 400.310(a)

B) Accessible toilets; accessible lockers and showers, if provided - Section 400.310(m)

C) Accessible drinking fountains - Section 400.310(l)

2) All areas for which the intended use will require access by the general public - full accessibility.

3) Business and mercantile spaces - full accessibility.

v) Hazardous use occupancies, except business and mercantile spaces.

w) Storage occupancies, except business and mercantile spaces.

x) Those areas of a building which are restricted to use by employees of businesses or concerns occupying such restricted areas and in which environmentally limited persons can not reasonably be expected to perform the duties of a job therein.

SUBPART D: MULTI-STORY HOUSING - NEW CONSTRUCTION

Section 400.350 Multi-Story Housing - New Construction

a) All common use and public use spaces on all floors (levels) shall be accessible utilizing Subparagraphs of Section 400.310 as required to ensure accessibility to this occupancy. Entrance doors to all individual dwelling units shall comply with ANSI Section 4.13.

b) All site improvements shall be accessible, including an accessible route from the public sidewalk, public transportation facilities and/or parking, if provided, to and through an accessible entrance.

c) A permanent audible and visual emergency warning system complying with Section 400.310(p) shall be provided in all public use and common use areas. Permanent or portable audible and visual emergency warning systems shall be installed in all adaptable units on an as-needed basis at the request of an environmentally limited occupant. If a permanent system is provided, the visual emergency warning system shall be arranged so the flashing light beam is visible in all rooms of the dwelling unit.

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d) The owner shall provide 20%, or at least one, whichever is greater, of the dwelling units as adaptable. Either the accessible or adaptable dwelling units shall be distributed throughout the building to provide a variety of sizes and locations.

e) Adaptable Dwelling Units

1) Adaptable dwelling units shall be designed and constructed so they may, upon application by initial occupant, be converted to accessible units, with a minimum of structural changes, to meet the needs of different types of environmentally limited persons and to comply with ANSI 4.32 and ANSI Table 4.. Costs of conversion for the initial environmentally limited person shall be born by the owner; subsequent conversion costs shall be paid by the occupant.

2) An accessible route conforming with ANSI Section 4.3 shall be provided into and within all adaptable dwelling units to all rooms and spaces and shall provide maneuvering space at doors as required by ANSI Section 4.13.6.

3) An accessible route conforming with ANSI Section 4.3 shall be provided into and within all private patios, terraces, balconies, carports, and garages designated for use by adaptable dwelling units.

4) Bathrooms in adaptable dwelling units shall comply with the space requirements of ANSI Section 4.32. Bathrooms shall be designed to allow, when converted to accessible units, for the installation of grab bars, water closets, toilet paper dispensers, mirrors, medicine cabinets, under-lavatory cabinets, in-tub or head-end bathtub seats, faucets, controls, pipe insulation, shower seats, and shower spray units without structural changes to the walls, floors or ceiling.

5) Kitchen appliances and laundry facilities, if provided, in adaptable dwelling units shall comply with ANSI Section 4.32.

6) Personal storage included in the initial construction of adaptable dwelling units shall comply with ANSI Section 4.23.

7) Dwelling units consisting of two stories are exempt from requirements for adaptability, as defined herein, if the required proportion of adaptable units, as stipulated in the Environmental Barriers Act, is met by other types of units distributed throughout the building; or, if accessibility to the second floor can be provided by the owner by the installation of a residential elevator or stairway chairlift complying with ANSI/ASWE A17.1-1984 and A17.1a-1985 when appropriate and approved by administrative authorities.

f) Projects for which the design contract was awarded after September 25, 1985 and the construction contract is awarded prior to 90 days after the effective date of this Code, shall be considered in compliance with this Code if they comply with the above Subsections (a), (b), and (c), and if 20% of the adaptable dwelling units are in compliance with Section 16.1.1 through 16.1.7 of Accessibility Standards, Illustrated,

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June 1978 Edition, as revised and reprinted under date of March 1, 1985 (71 Ill Adm. Code400).

SUBPART E: PUBLIC FACILITIES - ADDITIONS

Section 400.410 Public Facilities, Additions - Minimum Requirements

All additions to public facilities are considered new construction and are subject to Section 400.310, as applicable to the occupancy type, and to the following additional requirements.

a) All spaces within any addition shall be accessible and provide the minimum elements listed in Section 400.130 to ensure accessibility as required for the occupancy classification defined by the applicable building code.

b) Entrances

If a new addition to a public facility does not have an accessible entrance, then at least one entrance to the existing building or facility shall comply with ANSI Section 4.14.

c) Accessible Route

If the only accessible entrance to the new addition is located in the existing building or facility, then at least one accessible route conforming with ANSI Section 4.3 shall provide access through the existing building or facility to all accessible spaces in the new addition.

d) Restrooms and Bathing Facilities

1) Restrooms, existing and/or new, shall provide the "Minimum Number of Plumbing Fixtures" required by the Illinois Plumbing Code (77 Ill. Adm. Code 890), including the requirements of the addition.

2) If there are no restrooms, bathing facilities, or shower facilities in the addition and these facilities are provided in the existing building, then at least one restroom, one bathing facility, or one shower facility for each sex shall conform with ANSI Section 4.22.

Section 400.420 Exemptions

Additions to all buildings or parts of buildings which are exempted in Section 400.330 from applicability of the minimum requirements for new construction.

SUBPART F: PUBLIC FACILITIES - ALTERATIONS

Section 400.510 Public Facilities, Alterations - Minimum Requirements

The requirements of this Section (see definition of "Public Facility") are applicable, subject to exemptions in Section 400.330(d), to alterations of public facilities or privately owned facilities for which the alterations are financed or guaranteed by a governmental unit.

a) Site Improvements and Exterior Facilities

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- 1) All new street curbs and all existing curbs which are part of any reconstruction or alteration shall be provided with accessible curb ramps along the path of travel between all public facilities and/or multi-story housing units.
 - 2) All walks and sidewalks installed as part of a municipal improvement, or replacement walks or sidewalks within site facilities shall meet the requirements of this Code at Section 400.310(a) and (d).
 - 3) All expansions or improvements of existing parking lots including resurfacing, remarking, fencing, curbs, walks, and/or landscaping shall provide parking spaces for disabled persons in accordance with Section 400.310(c) and (r)(1). In addition, there shall be provided curb ramps as necessary to provide an accessible route to an accessible entrance.
 - 4) If inaccessible elements (such as steps, curbs, ramps) occur along a site access route within the boundary of the site connecting public transportation stops, accessible parking spaces, passenger loading zones, public streets and sidewalks, and, an accessible entrance to a public facility or multi-story housing unit, and such elements are to be improved or replaced, the improvement or replacement shall meet requirements of this Code at subsections 400.310(a) and (d) and result in an accessible site access route.
- b) Miscellaneous Building Requirements
- 1) Any alteration or replacement work to the door(s) and frame of the major entrance of a public building shall result in an accessible door and shall comply with ANSI Section 4.13, unless otherwise noted exempted by this Code.
 - 2) If hardware, controls, dispensers, receptacles, stairs or other elements are replaced or altered, then the requirements of the applicable technical standards section of this Code, Sections 400.310(a) through (t), shall be followed, unless structurally impracticable.
- c) State Owned Public Facilities
- Any alteration to a public facility owned by the State (Section 5, EBA) shall provide accessibility as follows, in addition to subsections (a) and (b) above:
- 1) If the alteration costs 15% or less of the reproduction cost of the public facility, the element or space being altered shall comply with the applicable subsections of Section 400.310 (Section 5, EBA).
 - 2) If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, the following essential features shall comply with the applicable subsections of Section 400.310.
 - A) the element or space being altered.
 - B) an accessible means of ingress and egress intended for use by the public.

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- C) all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible means of ingress and egress and the parts being altered (Section 5, EBA).
 - D) at least one accessible toilet room for each sex complying with ANSI Section 4.22 if toilets are provided or required in the facility by the Illinois Plumbing Code (77 Ill. Adm. Code 890). If a stall is required, the "standard stall" is preferred. For housing units, this requirement is applicable only to toilet rooms provided in public or common use areas.
 - E) accessible parking spaces complying with Section 400.310(c), where parking is provided.
 - F) an accessible route from public sidewalks or from accessible parking spaces to an accessible entrance.
- 3) If the alteration costs 50% or more of the reproduction cost of the public facility, the entire public facility shall comply with this Code following the minimum requirements for new construction, Section 400.310 (Section 5, EBA). For housing units this means that public and common use areas shall comply with the applicable subparagraphs of Section 400.310, and that the percentage of dwelling units required to be accessible or adaptable, per Section 400.310(c), shall be provided.
- d) Other Public Facilities
- Any alteration to a public facility owned by any governmental unit other than the State, any alteration to a privately-owned public facility (Section 5, EBA), and any alteration to a privately-owned multi-story housing unit which alteration is financed or guaranteed by a governmental unit shall provide accessibility as follows, in addition to subsections 400.310 (a) and (b) above:
- 1) Compliance with the standards is not mandatory where the cost of the alteration is 15% or less of the reproduction cost of the public facility unless the cost of the alteration exceeds \$100,000, in which case the element or space being altered must comply with the applicable subparagraphs of Section 400.310 (Section 5, EBA).
 - 2) If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, and less than \$100,000, the following must comply with this Code utilizing the minimum requirements for new construction (Section 400.310):
 - A) the element or space being altered,
 - B) an accessible means of ingress and egress intended for use by the general public, (Section 5, EBA).
 - 3) If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, and more than \$100,000, the following essential features must be provided in compliance with this Code utilizing the minimum requirements for new construction (Section 400.310):
 - A) the element or space being altered,
 - B) an accessible means of ingress and egress intended for use by the general public, (Section 5, EBA).

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- A) the element or space being altered,
- B) an accessible means of ingress and egress intended for use by the public,
- C) all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible means of ingress and egress and the parts being altered,
- D) at least one accessible toilet room for each sex complying with ANSI Section 4.22, if toilets are provided or required in the facility by the Illinois Plumbing Code (77 Ill. Adm. Code 890). If a stall is required, the "standard stall" is preferred. For housing units, this requirement is applicable only to toilet rooms provided in public or common use areas.

- E) accessible parking spaces complying with 400.310(c) where parking is provided.
- F) an accessible route from public sidewalk or from the accessible parking spaces, if provided, to an accessible entrance.

- 4) *If the alteration costs 50% or more of the reproduction cost of the public facility or multi-story housing unit, the entire public facility or multi-story housing unit shall comply with this Code following the minimum requirements for new construction, Section 400.310 (Section 5, EBA).* For housing units this means that the public and common use areas shall comply with applicable subparagraphs of Section 400.310 and that the percentage of dwelling units required to be accessible or adaptable, per Section 400.350, shall be provided.

- e) All tenant work shall comply with standards included in this Code. (See Section 400.320.)

- f) *For the purpose of calculating percentages of reproduction cost, the cost of alterations shall be construed as the total actual combined cost of all alterations to be made within any period of thirty months (Section 5, EBA), as approved by the administrative authority.*

- g) *In no case shall any alteration of any public facility or multi-story housing unit create an environmental barrier or cause the public facility or multi-story housing unit to be further from compliance with this Code than it was prior to the alteration based upon the elements required to ensure accessibility as listed in Section 400.310 (Section 5, EBA).*

- h) Full extension of stair handrails shall not be required in alterations where such extensions would be hazardous, such as interfering with the operation of an exit door.

- i) If safety door edge is provided in existing automatic elevators, then the automatic door protective and reopening devices as required in ANSI Section 4.10.6 may be omitted.

- j) Where existing shafts or structural elements prohibit strict compliance with the minimum dimensions of elevator cars as required in ANSI Section 4.10.9, then the minimum floor area dimensions may be

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- reduced to no less than 48 inches by 48 inches.

- k) In privately owned public facilities in which the alteration costs are less than 50% of the reproduction cost of the public facility, and entrance storefront design would be structurally impractical to change, an existing pair of swinging doors without center stile will suffice as a minimum requirement for ingress and egress, as long as each leaf is at least nominally 2'-6" wide.

- 1) In alterations where it is structurally impracticable to disperse seating throughout an assembly area, the seating may be located in collected areas as structurally feasible. Seating shall adjoin an accessible route which also serves as a means of emergency exit access.

Section 400.520 Exemptions

- a) Alterations to all buildings or parts of buildings which are exempted from applicability of the minimum requirements for new construction (Section 400.330).

- b) Historic preservation work except as applicable under Section 400.610.
- c) Industrial Occupancies, except mercantile and business spaces.

- d) Hazardous Use Occupancies, except mercantile and business spaces.

- e) Storage Occupancies, except mercantile and business spaces.

- f) Existing privately owned multi-story housing units which are altered with private funds. When privately owned multi-story housing units are altered with governmental unit financing or guarantee, the requirements of Section 400.510(d) shall be met.

- g) Parts of buildings which it would be structurally impracticable to make conform to the strict requirements of the Code for new construction, with the approval of the administrative authority.

SUBPART G: HISTORIC PRESERVATION

Section 400.610 Historic Preservation, Scope - Minimum Requirements

Historic preservation, including historic reconstruction and historic restoration, is the alterations category applied to historic buildings or historically interpreted buildings. Every qualified historic building, facility, or site open to the public shall also provide access to environmentally limited persons as required in this Section to afford them the maximum opportunity to experience their cultural heritage consistent with maintaining the historic aspects of the building or site.

- a) Historic preservation work to any historic building or facility or site and alterations to any historic building, facility or site attendant to historic preservation work shall provide accessibility as follows:

- 1) General Requirements:

- A) Compliance with the standards is not mandatory where the cost of the historic preservation work and attendant

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alterations is 15% or less of the reproduction cost of the public facility unless the cost of the historic preservation work and attendant alterations exceeds \$100,00, in which case the element or space being altered must comply with this Code. Technical alternates for historic preservation work, Section 400.620 listed herein, may be substituted for similar standard requirements (Section 400.310(a) through (t)).

B) For the purpose of calculating percentages of reproduction cost, the cost of historic preservation work and attendant alterations shall be construed as the estimated total combined cost of all historic preservation work and attendant alterations to be within a period of thirty months.

C) The determination that an alteration will have adverse effect upon the historic feature shall be based upon the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Alterations not recommended by the Standards shall be considered to have an adverse effect on the historic feature that justifies the application of the alternative provisions for historic preservation work as defined in Section 400.620.

2) If "historically interpreted buildings" as defined herein which are owned by either a governmental unit or are privately owned, undergo historic preservation work and attendant alterations which cost more than 15% of the reproduction cost of the public facility, the following minimum requirements shall be met:

A) An accessible route complying with ANSI Section 4.3 and 4.4 shall be provided to one principal level with displays open to the public.

Exception: Where the historic aspects of the building or facility would be destroyed or so greatly altered as to have an adverse effect on the historic significance of the element, site and structure by the application of the standard or alternative requirements of the Code, fully accessible permanent interpretive exhibits which are of equivalent educational and interpretative scope as the non-accessible historic parts of the building or facility shall be provided as near to the non-accessible part of the building or facility as possible.

B) An audible and visual information source shall be provided adjacent to the main entrance to the historic building or facility to give directions and information to persons with severe auditory or visual impairment.

C) Displays shall be designed so that they may be seen by seated persons.

D) If toilets are required in the facility, at least one

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accessible "unisex" toilet room consisting of one water closet and one lavatory complying with ANSI Section 4.22 shall be provided as near the site as possible but at least within 200 feet from the main entrance of the building or facility.

E) At least one accessible drinking fountain shall be provided as near the site as possible but at least within 200 feet from the main entrance of the building or facility.

F) Technical alternates for historic preservation work listed herein may be substituted for similar standard requirements (Section 400.310(a) through (f)).

3) If buildings other than "historically interpreted buildings" as defined herein which are owned by either a governmental unit or are privately owned, undergo historic preservation work and attendant alterations which cost more than 15% of the reproduction cost of the public facility, the following must comply with this Code:

A) The element or space being altered.

B) A means of ingress and egress intended for use by the general public.

C) Horizontal and vertical accessible routes between a means of ingress and egress and the parts being altered.

D) At least one accessible toilet room for each sex complying with ANSI Section 4.22, if toilets are required in the facility.

E) Accessible parking spaces complying with Section 400.310(c)(1) herein, where parking is provided.

F) An accessible route from the accessible parking spaces, if provided, to an accessible entrance.

G) Technical alternates for historic preservation work listed herein may be substituted for similar standard requirements (Section 400.310(a) through (t)).

4) The following provisions as defined in Section 400.510: Alterations, Minimum Requirements, shall also apply to historic preservation projects:

A) Full extension of handrails shall not be required in alterations where such extensions would be hazardous or impossible due to plan configuration.

B) If safety door edge is provided in existing automatic elevators, then the automatic door protective and reopening devices as required in ANSI Section 4.10.6 may be omitted.

C) Where existing shaft or structural elements prohibit strict compliance with the minimum dimensions of elevator cars as required in ANSI Section 4.10.9, then the minimum floor area dimensions may be reduced to no less than 48 inches by 48 inches.

D) In historic preservation work and attendant alterations where it is structurally impracticable to disperse seating

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throughout an assembly area, the seating may be located in collected areas as structurally feasible. Seating shall adjoin an accessible route which also serves as a means of emergency egress.

an historic stair, the requirements of ANSI Section 4.9 are waived.

Section 400.620 Technical Alternates for Historic Preservation Work

a) The following technical requirements may be substituted for similar standard requirements (Section 400.310(a) through (t)) when an historic building undergoes historic preservation:

- 1) Changes of level may be accommodated by ramps having the following maximum slopes:

A) MAXIMUM SLOPE
MAXIMUM HORIZONTAL DISTANCE
BETWEEN LANDINGS

1:9 12 FEET
1:6 2 FEET

B) Where access to any space undergoing historic preservation work will be limited to controlled groups with assigned tour guides, changes in level of less than 9" vertical dimension may be accommodated by means of permanent or detachable ramps having a maximum slope of 1:4.

- 2) Where access to any space will be limited to controlled groups with assigned tour guides, requirements of the following ANSI Sections are waived for that space:

- A) Section 4.13, Doors, except minimum widths as noted herein
- B) Section 4.23, Storage
- C) Section 4.25, Controls and Operating Mechanisms
- D) Section 4.26, Alarms
- E) Section 4.27, Detectable Warnings
- F) Section 4.28, Signage

- 3) Where access to any space undergoing historic preservation work will be limited to controlled groups with assigned tour guides, or where a full-time door attendant or concierge is provided at the door within visual and audible communication range, a single door or pair of doors with a total clear opening of at least 29-1/2" may suffice to comply with the requirements for an accessible door.

- 4) Minimum clear door opening width for a single door or the single active leaf of a pair of doors shall be 29-1/2".

- 5) Where the historic aspects of the building or facility would be destroyed, or so greatly altered as to damage or have an adverse effect on the historic principle entrance, by the application of the requirements of ANSI Section 4.3, a secondary entrance with directional signs from the principle entrance may be used in lieu of the principle entrance as part of an accessible route.

- 6) Where the historic aspects of the building or facility would be destroyed, or so greatly altered as to have an adverse effect on

SUBPART H: STANDARDS FOR GOVERNMENT LEASING, RENTING OR USE OF PUBLIC FACILITIES

Section 400.710 Standards for Government Leasing, Renting or Use of Public Facilities

No governmental unit may enter into a new or renewal agreement to lease, rent, or use, in whole or in part, any public facility which does not comply with this Code. Any governmental unit which, on the effective date of the EBA, is leasing, renting or using, in whole or in part, any public facility which does not comply with this Code shall make all reasonable efforts to terminate such lease, rental or use by January 1, 1990 (Section 5, EBA).

- a) If the facility was constructed after the effective date of this Code, the facility shall comply with the Minimum Requirements for New Construction, Section 400.310.
- b) Any facility for which a lease is executed or renewed after the effective date of this Code and which was constructed prior to the effective date of this Code shall comply with the Minimum Requirements for Alterations for State-owned facilities. Such alterations shall include the minimum essential features of Section 400.510(a), (b), and (c)(2). However, if the facility meets the Minimum Requirements for New Construction, Sections 3 through 16 of the Accessibility Standards, Illustrated (as revised and reprinted under date of March 1, 1985), it shall be considered to be in compliance with this Section.

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- 1) Heading of the Part: Illinois Accessibility Code

- 2) Code Citation: 71 Ill. Adm. Code 400

- 3) Section Numbers: Proposed Action:

400.110	New Section
400.120	New Section
400.130	New Section
400.140	New Section
400.150	New Section
400.160	New Section
400.170	New Section
400.180	New Section
400.210	New Section
400.220	New Section
400.310	New Section
400.320	New Section
400.330	New Section
400.350	New Section
400.360	New Section
400.410	New Section
400.420	New Section
400.510	New Section
400.520	New Section
400.610	New Section
400.620	New Section
400.630	New Section
400.710	New Section
ILLUSTRATION A	New Illustration
ILLUSTRATION B	New Illustration
ILLUSTRATION C	New Illustration
ILLUSTRATION D	New Illustration

- 4) Statutory Authority: Implementing and authorized by the Environmental Barriers Act (410 ILCS 25).

- 5) A Complete Description of the Subjects and Issues Involved: This proposed rule incorporates federal Americans with Disabilities Act (42 USC 12101) provisions that are more stringent than existing Code requirements.

- 6) Will this proposed rule replace an emergency rule current in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporation by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: This proposed rule does not create or expand the State mandate as defined in Section (b) of the State Mandates Act [30 ILCS 805/3].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor Wm. G. Stratton Bldg.
Springfield, IL 62706
217/782-2864

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporation affected: All affected to the extent that accessibility requirements may apply to buildings or public facilities they own.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None required, but individuals may consult with architects, contractors, or attorneys.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the proposed rule begins on the next page:

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TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
 CHAPTER 1: CAPITAL DEVELOPMENT BOARD
 SUBCHAPTER b: ACCESSIBILITY STANDARDS

PART 400

ILLINOIS ACCESSIBILITY CODE

SUBPART A: ADMINISTRATION

Section
 400.110
 400.120
 400.130
 400.140
 400.150
 400.160
 400.170
 400.180

Purpose
 Standards Incorporated by Reference
 Applicability
 Civil Enforcement
 Local Standards
 Revisions to Code
 Interpretation of the Requirements
 Permits/Statement of Compliance

SUBPART B: DEFINITIONS

Section
 400.210
 400.220

Code Terms
 Space Allowance and Reach Ranges

SUBPART C: PUBLIC FACILITIES - NEW CONSTRUCTION

Section
 400.310
 400.320
 400.330

Public Facilities - New Construction - Minimum Requirements
 Additional Requirements for Specific Facility Types
 Exemptions

SUBPART D: MULTI-STORY HOUSING, NEW CONSTRUCTION

Section
 400.350
 400.360

Multi-Story Housing, New Construction
 Requirements for Adaptable Dwelling Units

SUBPART E: PUBLIC FACILITIES - ADDITIONS

Section
 400.410
 400.420

Public Facilities, Additions - Minimum Requirements
 Exemptions

SUBPART F: PUBLIC FACILITIES - ALTERATIONS

Section

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400.510 Public Facilities, Alterations - Minimum Requirements
 400.520 Exemptions to the Alterations Requirements

SUBPART G: HISTORIC PRESERVATION

Section
 400.610
 400.620
 400.630

Historic Preservation, Scope - Minimum Requirements
 Alternative Requirements for Historic Buildings
 Exemptions for Historic Preservation

SUBPART H: STANDARDS FOR GOVERNMENT LEASING, RENTING OR USE OF
 PUBLIC FACILITIES

Section
 400.710

Standards for Government Leasing, Renting or Use of Public Facilities

SUBPART I: GRAPHIC CONVENTIONS AND FIGURES

ILLUSTRATION A
 ILLUSTRATION B
 ILLUSTRATION C
 ILLUSTRATION D

Graphic Conventions
 Graphic Figures (1-13, 15-46, 50-57)
 "Parking" Sign
 "\$100 Fine" Sign

AUTHORITY: Implementing and authorized by the Environmental Barriers Act [410 ILCS 25].

SOURCE: Amended April 21, 1969; amended at 2 Ill. Reg. 52, p. 33, effective December 18, 1978; emergency amendment at 4 Ill. Reg. 9, p. 253, effective February 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 27, p. 208, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 30, p. 1252, effective July 11, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3797, effective March 31, 1981; codified at 8 Ill. Reg. 19922; Part repealed, new Part adopted at 12 Ill. Reg. 5243; effective May 1, 1988; Part repealed, new Part adopted at 21 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript numbers or letters are denoted by parenthesis; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: ADMINISTRATION

Section 400.110 Purpose

- a) The purpose of this Illinois Accessibility Code (IAC or Code) is to implement the Environmental Barriers Act (EBA) [410 ILCS 25] and to replace the former version of the Code (71 Ill. Adm. Code 400) effective May 1, 1988. This Code is intended to ensure that the built

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environment, including all spaces and elements of all applicable buildings and facilities in the State of Illinois, is so designed, constructed, and/or altered to assure the safety and welfare of all members of society and to be readily accessible to, and usable by, environmentally limited persons.

This Code is also intended to resolve areas of difference between the federal accessibility standards, Americans with Disabilities Act Accessibility Guidelines (ADAAG), which are applicable to buildings and facilities covered by the Americans with Disabilities Act (ADA), and the Illinois accessibility standards, IAC, which are applicable to buildings and facilities in the State of Illinois covered by the EBA. The drafters of this Code compared and adopted the stricter of State or federal accessible design standards.

- b) This Code, together with the Environmental Barriers Act (EBA) and the standards incorporated by reference identified in Section 400.120, has the force of a building code and as such is law in the State of Illinois.

Section 400.120 Standards Incorporated by Reference

For projects involving alterations to historic buildings only, the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (Revised 1992), U.S. Department of the Interior, National Park Service, Preservation Assistance Division, Washington, D.C., shall apply. The document is available from the U.S. Government Printing Office, Document No. 024-005-01061-1 Washington, D.C. 20402-9325. It is also available from the Illinois Historic Preservation Agency. The Standards and Guidelines do not include any later amendments or editions.

Section 400.130 Applicability

- a) Buildings and facilities covered: This Code applies to all "public facilities" and "multi-story housing units" as defined and governed by the EBA and located, in whole or in part, within the legal geographic boundaries of the State of Illinois, unless specifically exempted herein.
- b) The fact that a building or facility governed by the EBA is also a facility financed by federal funds is no bar to the application of this Code.
- c) This Code is applicable when work involving new construction, alterations, additions, historic preservation, restoration, or reconstruction in whole or in part begins after the effective date of this Code. The Code becomes enforceable with the signing of a construction contract, issuance of an official authorization or permit for construction, or the start of construction, whichever occurs first.

Section 400.140 Civil Enforcement

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- a) The Attorney General shall enforce the EBA and this Code in accordance with Section 6 of the EBA. The Attorney General shall investigate any complaint or reported violation and, where necessary to ensure compliance, may bring an action including, but not limited to, any or all of the following:
 - 1) *mandamus*;
 - 2) *injunction to halt the construction, alteration, or use of any public facility which has been or is being constructed, altered, or leased in violation of the EBA and this Code*;
 - 3) *injunction to halt the construction or use of any multi-story housing unit which has been or is being constructed in violation of the EBA and this Code (Section 6, EBA)*;
 - 4) actions to require compliance with the EBA and this Code by private persons, State and local authorities, and other entities;
 - 5) actions to impose civil penalties in accordance with Section 7 of the EBA;
 - 6) other appropriate relief.
- b) Upon receipt of a complaint, the Executive Director of the Capital Development Board will forward it to the Attorney General. Any other person may request the State's Attorney of the county in which the public facility or multi-story housing unit is located to initiate prosecution under Section 6 of the EBA, or may forward the complaint to the Attorney General.

Section 400.150 Local Standards

The provisions of the EBA and this Code constitute minimum requirements for all governmental units, including home rule units. *Any governmental unit may prescribe more stringent requirements to increase and facilitate access to the built environment by environmentally limited persons (Section 8, EBA).*

Section 400.160 Revisions to Code

This Code may be revised from time to time by the Capital Development Board in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] and Section 4 of the EBA.

Section 400.170 Interpretation of the Requirements

- a) Words used in the singular number shall include the plural sense and vice-versa.
- b) Unless otherwise specified in the Code, each element or space of a particular building or facility shall comply with the applicable requirements of this Code.
- c) Use of the terms "provide" or "shall" means the provision is mandatory.
- d) Parenthetical references within this Part are to the Americans with Disabilities Act Accessibility Guidelines that relate to the rule.

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Section 400.180 Permits/Statement of Compliance

- a) Where permits are required for the construction or alteration of any public facility or multi-story housing unit, the plans and specifications submitted by the Owner to obtain such a permit shall be examined for compliance with this Code by the administrative authority which issues the permit for construction.
- b) Section 5(d) of the EBA requires a Statement of Compliance by the architect/engineer unless the cost of construction or alteration is less than \$50,000. For privately owned work it shall be filed with the local administrative authority or, in the absence of an administrative authority, with the County Clerk. For publicly-owned work, it shall be filed with the governmental unit contracting for the work.
- c) The Statement of Compliance shall be worded as follows and signed by the architect/engineer:

STATEMENT OF COMPLIANCE

I have prepared, or caused to be prepared under my direct supervision, the attached plans and specifications and state that, to the best of my knowledge and belief and to the extent of my contractual obligation, they are in compliance with the Environmental Barriers Act [410 ILCS 25] and the Illinois Accessibility Code (71 Ill. Adm. Code 400).

Signed: _____
Architect/Engineer

SEAL ILLINOIS REGISTRATION NO.: _____

- Date: _____
- d) The seal of the architect/engineer as required by Section 14 of the Illinois Architecture Practice Act [225 ILCS 305], Section 12 of the Illinois Structural Engineering Licensing Act [225 ILCS 340] and Section 14 of the Illinois Professional Engineering Practice Act [225 ILCS 325] may be provided in lieu of the "Statement of Compliance" required in subsection (c) above.

SUBPART B: DEFINITIONS**Section 400.210 Code Terms**

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this Section. Where terms are not defined in this Section, they shall have ordinarily accepted meanings such as the context implies.

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"Access Aisle": An accessible pedestrian space between elements, such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.

"Accessible": Describes a site, building, facility, or portion thereof that complies with this Code.

"Accessible Element": An element specified by this Code (for example, telephone, controls, and the like).

"Accessible Route": A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, skywalks, tunnels and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

"Accessible Space": All spaces in a building except those which are specifically exempted by the Environmental Barriers Act and this Code.

"Accessibility Standards": As required by the Environmental Barriers Act, accessibility standards means this Code.

"Adaptability or Adaptable": The ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of individuals with or without disabilities or to accommodate the needs of persons with different types or degrees of disability.

"Adaptable Dwelling Unit": A dwelling unit constructed and equipped so it can be converted with minimal structural change for use by persons with different types and degrees of environmental limitation.

"Addition": An expansion, extension, or increase in the gross floor area of a public facility or multi-story housing unit. Additions to a building must provide entry from the existing building at all common levels without necessitating leaving and re-entering the addition from the outside.

"Administrative Authority": A jurisdictional body that adopts or enforces codes, regulations and/or standards for the design, construction or alteration of buildings and facilities.

"Alteration": Any modification or renovation that affects or could affect the usability of the building or facility or part of the building or facility. Alteration includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, historic preservation, historic reconstruction, historic restoration (as

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separately required in Section 400.610), changes or rearrangement of the structural parts or elements, extraordinary repairs (as defined herein), changes to or replacement of plumbing fixtures or controls, changes or rearrangement in the plan configuration of walls and full-height partitions, and changes or improvements to parking lots (as separately required in Section 400.510 (e)(10)(C)). The following work is not considered to be an alteration unless it affects the usability of the building or facility: normal maintenance, reroofing, interior or exterior redecoration, changes to mechanical and electrical systems, replacement of plumbing, piping or valves, asbestos removal, or installation of fire sprinkler systems.

"Architect/Engineer": An architect, professional engineer, or structural engineer as defined by the Illinois Architecture Practice Act, the Illinois Professional Engineering Practice Act, or the Illinois Structural Engineering Licensing Act who has the contract responsibility for the project, who prepares the construction documents from which the building is constructed, and who signs the Statement of Compliance with the Environmental Barriers Act and this Code.

"Archival Storage": Any storage area which is intended for the maintenance of unused records such as "dead files."

"Area, Gross": The total area of a building or part of a building measured from the outside face of the exterior walls, including areas of usable or occupiable basements, but not including areas of basements used for storage or mechanical purposes only, overhangs, and mechanical penthouses on the roof.

"Area, Net": The total usable or occupiable area within the enclosing walls or partitions exclusive of shafts, partitions, columns, walls, elevators, stairs, permanent fixtures, toilet rooms, janitor closets, and mechanical, electrical, and telephone rooms.

"Area of Rescue Assistance": An area, which has direct access to an exit, where people who are unable to use stairs may remain temporarily in safety to await further instructions or assistance during emergency evacuation.

"Assembly Area": A room or space accommodating a group of individuals for recreational, educational, political, social or amusement purposes, or for the consumption of food and drink.

"Authoritative Technical Organization": In reference to cost estimating means any nationally published cost estimating guide used for estimating, and as interpreted, by the architect/engineer and approved by the administrative authority. Examples are: Robert Snow

Means Company, Frank Walker Company or McGraw-Hill Cost Information Systems (Dodge).

"Automatic Door": A door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, sensing device, or manual switch mounted on or near the door (see Power Assisted Door).

"Bank of Telephones": Two or more adjacent public telephones, often installed as a unit.

"Basement": Any floor level below the ground floor as defined herein (see Story).

"Building": Any structure used and intended for supporting or sheltering any use or occupancy.

"Building Code, Applicable": The building code adopted by the administrative authority under whose jurisdiction the work involved with construction, additions, alterations, or change of occupancy will be carried out. If no building code has been adopted by the administrative authority, or if the work is not within a municipal or other administrative authority's jurisdiction, the building code shall be deemed to be one of the following codes: BOCA National Building Code, 1993, published by the Building Officials and Code Administrators International, Inc., 4051 West Flossmore Road, Country Club Hills, IL 60477, no later amendments or additions included, or Uniform Building Code, 1994, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601, no later amendments or additions included.

"Built Environment": Those parts of the physical environment which are designed, constructed or altered by people, including all public facilities and multi-story housing units.

"Children": People below the age of twelve.

"Circulation Path": An exterior or interior way of passage from one place to another, including both horizontal and vertical travel, for pedestrians including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

"Clear": Unobstructed. Standard door trim, door hardware, wall switches, framed documents, and base trim are not considered to be obstructions in corridors.

"Clear Floor Space": The minimum unobstructed floor or ground space

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required to accommodate a single, stationary wheelchair and occupant.

"Closed Circuit Telephone": A telephone with dedicated line(s) such as a house phone, courtesy phone, emergency phone, security phone, or phone that must be used to gain entrance into a facility.

"Code": The Illinois Accessibility Code. This Part.

"Common Use or Common Areas": Areas (including interior and exterior rooms, spaces, or elements) which are held out for use by all tenants and owners in public facilities and multi-story housing units (for example, residents of an apartment building, occupants of an office building, or the guests of such residents or occupants) including, but not limited to, lobbies, elevators, hallways, laundry rooms, swimming pools, storage rooms, recreation areas, parking garages, building offices, conference rooms, patios, restrooms, telephones, drinking fountains, restaurants, cafeterias, delicatessens and stores.

"Construction": Any erection, building, installation or reconstruction. Additions shall be deemed construction for purposes of the Environmental Barriers Act [410 ILCS 25] and this Code.

"Control": (see Operable Part).

"Cost of the Work": The reasonable estimated cost (for example, based on current cost data listed by an authoritative technical organization) of accomplishing the proposed construction or alteration as determined by the architect/engineer and approved by the administrative authority.

"Cross Slope": The slope that is perpendicular to the direction of travel (see Running Slope).

"Curb Ramp": A short ramp cutting through a curb or built up to it.

"Detectable Warning": A standardized surface feature built in or applied to walking surfaces or other elements to warn people with visual impairments of hazards on the circulation path.

"Disability": A physical or mental impairment that substantially limits one or more major life activities; or a record or history of such an impairment; or being perceived or regarded as having such an impairment (see Environmentally Limited Person).

"Dwelling Unit": A single unit of residence which provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing, sleeping, and the like. Dwelling units are found in housing types such as townhouses and apartment buildings.

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"Element": An architectural or mechanical (including electrical and plumbing) component of a building, facility, space, or site, including but not limited to a telephone, curb ramp, door, drinking fountain, seating, or water closet.

"Emergency Warning System": A fire alarm or smoke or heat detector system used to activate emergency audible and visual alarms.

"Entrance": Any access point to a building or portion of a building or facility or multi-story housing unit used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, and the entry door or doors or gate or gates (see Principal Entrance and Service Entrance).

"Environmental Barrier": An element or space of the built environment which limits accessibility to or use of the built environment by environmentally limited persons.

"Environmentally Limited Person": A person with a disability or condition who is restricted in the use of the built environment (see Disability).

"Essential Features": Those elements and spaces that make a building or facility usable by, or serve the needs of, its occupants or users. Essential features include, but are not limited to, entrances, toilet rooms, and accessible routes. Essential features do not include those functional spaces which house the major activities for which the building or facility is intended, such as classrooms and offices.

"Exit": That portion of a means of egress which is separated from all other spaces of a building or structure by construction or equipment as required by the applicable building code to provide a protected way of travel to the exit discharge. The walls and ceiling, and any openings therein, of the protected way of travel shall provide a fire resistance rating as required by the applicable building code.

"Exit Access": That portion of a means of egress which leads to an exit.

"Exit Discharge": That portion of a means of egress between the termination of an exit and a public way.

"Extraordinary Repair": The replacement or renewal of any element of an existing building or facility for purposes other than normal routine maintenance. It includes, but is not limited to, replacement of sidewalk and curb ramp, replacement of a door and frame, complete stair replacement and plumbing fixture replacement (see Alteration).

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"Facility": All or any portion of buildings, structures, site improvements, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property located on a site (see Public Facility).

"Floor": Any level within a building which may be occupied by the public. Mezzanines and seating tiers are not included in the definition of "floor" in this Code.

"Functional Spaces": The rooms or spaces in a building or facility that house the primary functions for which the building or facility is intended and the secondary or supporting functions that relate to the support, maintenance or performance of the primary functions, including connective or ancillary space such as parking and storage. Unfinished or undeveloped space is included as a "functional space."

"Governmental Unit": The State or any political subdivision thereof, including but not limited to any county, town, township, city, village, municipality, municipal corporation, school district, park district, sanitary district, local housing authority, public commission, public authority, the Illinois Housing Development Authority or other special purpose district.

"Grade": The elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and an imaginary line five feet from the building.

"Ground Floor": Any occupiable floor less than one story above or below grade with direct access to grade. A building or facility always has at least one ground floor and may have more than one ground floor as where a split level entrance has been provided or where a building is built into a hillside.

"Hazardous Area": A space or an area which may be dangerous, or cause injury, to a person who accidentally enters into such space or area. Examples include, but are not limited to: loading docks; boiler or heater rooms; power and generation facilities; electrical and telephone equipment spaces; elevator equipment rooms and pits; tanks, lagoons, storage and processing facilities located at/above/below ground level; highly technical facilities or mechanical, electrical or chemical storage and/or processing facilities; and pump facilities; and spaces with complex mechanical components of multi-level construction.

"Historic Building": All buildings, parts of buildings, facilities or sites individually listed in or eligible for listing in the National Register of Historic Places, a "contributing" building or site in a National Register Historic District as determined by the Illinois

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Historic Preservation Agency (IHPA) or as determined by a "Certified Local Government" designated by the IHPA, a building or site designated as a historic or architectural landmark by a local Landmarks Commission or local Historic Preservation Commission, and buildings which undergo historic reconstruction.

"Historic Preservation": The act or process of accurately preserving and/or recovering the form and details of a historic building and its setting as it appeared at a particular period of time by means of repair, stabilization, or restoration as defined herein. Historic Preservation also includes "Historic Reconstruction" and "Historic Restoration".

"Historic Reconstruction": The act or process of reproducing by new construction the exact form and detail of an original building, structure, object, or part thereof as it appeared at a specific period of time. Historic Reconstruction only applies to reconstruction of buildings which are open to view by the public, are used to demonstrate historic or architectural values, and/or are used for purposes of display of a historic building type, design, technique of construction or period setting.

"Historic Restoration": The act or process of accurately recovering the form and details of a building or facility and its setting as it appeared at a particular period of time by means of the removal of later works or by replacement of missing earlier work.

"Historically Interpreted Building": A building which in whole or part is open to view by the public and has as its major purpose the display of a historic or architectural artifact created in the past in order to give a sense of cultural orientation and establish values of time and place. Historically interpreted buildings do not necessarily have attendants or formal guided or even self-guided tours.

"Housing, Financed or Guaranteed by a Government Unit": Any building, facility or portion thereof, excluding in-patient medical care facilities, which contains one or more dwelling units or sleeping accommodations, and which is owned by or on behalf of a governmental unit, or financed, in whole or in part, for either initial construction or subsequent alteration, by a grant or loan made or guaranteed by a governmental unit. Such housing may include, but is not limited to, one family dwellings and multi-family dwellings, including multi-story apartment buildings, group homes, dormitories and housing for the elderly.

"Improved Area": (see Site Improvements).

"In-Patient Medical Care Facility": Medical care facilities are those

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facilities in which people receive physical or medical treatment or care, where persons may need assistance in responding to an emergency and where the period of stay may exceed 24 hours. (ADAAG 6.1)

"Interior Redecoration": Replacement of interior floor, wall, and ceiling decorative finishes (such as carpet, wall coverings, paint, and paneling), window treatments (such as drapery, blinds, and shades), interior space lighting, fixtures, furnishings, and furniture.

"Level": Any horizontal plane of a building or facility which is designed or intended for human occupancy or habitation.

"Marked Crossing": A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

"Means of Egress": A continuous and unobstructed path of travel from any point in a building or structure to a public way, consisting of three separate and distinct parts: the exit access, the exit, and the exit discharge. A means of egress comprises vertical and horizontal means of travel and includes intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts and yards.

"Mezzanine": Any intermediate occupiable and usable level placed above any floor of a building and limited to 33% of the net floor area of the floor over which it is placed. The net area of a mezzanine is included in the net area of the floor above which it is placed.

"Multi-Story Housing Unit": Any building of four or more stories containing ten or more dwelling units constructed to be held out for sale or lease by any person to the public. This category includes, but is not limited to, the following building types: apartment buildings, condominium apartment buildings, convents, housing for the elderly and monasteries.

"Occupiable": A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational, or similar purposes, or in which occupants are engaged at labor, and that is equipped with means of egress, light, and ventilation.

"Operable Part": A part of a piece of equipment or appliance used to insert or withdraw objects, or to activate, de-activate, or adjust the equipment or appliance (for example, coin slot, mail drop, pushbutton, handle).

"Owner": The person contracting for the construction or alteration. That person may be the owner of the real property or existing facility

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or may be a tenant of the real property or existing facility.

"Person": One or more individuals, partnerships, associations, unincorporated organizations, corporations, cooperatives, legal representatives, trustees, receivers, agents, any group of persons or any governmental unit.

"Planning": The preparation of architectural or engineering designs or plans, technical or other specifications, landscaping plans or other pre-construction plans or specifications.

"Power-Assisted Door": A door used for human passage, with a mechanism that helps to open the door, or relieves the opening resistance of the door, upon the activation of a switch or a continued force applied to the door itself.

"Principal Entrance": An entrance intended to be used by the residents or users to enter or leave a building or facility. This shall include, but is not limited to, the main entrance.

"Privately Owned Building": Any building which is not publicly owned as defined herein.

"Public": Any group of people who are users of the building and employees of the building, excluding those people who are employed by the owner of a building for construction or alteration of a building.

"Public Facility": Any building, structure, or site improvement which is: Owned by or on behalf of a governmental unit; leased, rented or used, in whole or in part, by a governmental unit, or financed, in whole or in part, by a grant or a loan made or guaranteed by a governmental unit; or any building, structure, or site improvement used or held out for use or intended for use by the public or by employees for one or more of, but not limited to, the following: the purpose of gathering, recreation, transient lodging, education, employment, institutional care, or the purchase, rental, sale or acquisition of any goods, personal property or services; places of public display or collection; social service establishments; and stations used for specified public transportation.

"Public Use": Interior and exterior rooms or spaces that are made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

"Publicly Owned Building": Any building owned by the State of Illinois or any governmental unit.

"Ramp": A walking surface which has a running slope greater than

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1:20.

"Reconstruction": The act or process of reproducing by new construction the exact form and detail of an original building, structure, object, or part thereof (see Historic Reconstruction).

"Recreational Facility": An assembly area including, but not limited to, the following uses: parks, camping grounds, public indoor and outdoor swimming pools and beaches, zoos, botanical gardens, amusement parks, fair grounds, carnivals, playgrounds, boat launching facilities, arenas, stadia and grandstands.

"Reproduction Cost": The estimated cost of constructing a new building, structure, or site improvement of like size, design and materials at the site of the original building, structure, or site improvement, assuming such site is clear. The reproduction cost shall be determined by using the recognized standards of an authoritative technical organization (see Authoritative Technical Organization for examples of estimating guides).

"Running Slope": The slope that is parallel to the direction of travel (see Cross Slope).

"Service Entrance": An entrance intended primarily for delivery of goods or services. A service entrance may not be the principal entrance unless it is the only entrance to the building/facility.

"Signage": Displayed verbal, symbolic, tactile and pictorial information.

"Single Family Residence": A building with a residential occupancy containing only one family as defined under the applicable building code. It also includes private parking garages and other accessory buildings on the same lot as a single family residence.

"Site": A parcel of land bounded by a property line or a designated portion of a public right-of-way.

"Site Improvements": Landscaping, pedestrian and vehicular pathways, steps, ramps, curb ramps, parking lots, outdoor lighting, recreational facilities, and the like, added to a site.

"Sleeping Accommodations": Rooms in which people sleep, for example, dormitory and hotel or motel guest rooms or suites.

"Space": A definable area such as a toilet room, corridor, assembly area, entrance, storage room, alcove, courtyard, or lobby.

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"State": The State of Illinois and any instrumentality or agency thereof.

"Storage, Personal": Hang rod, shelving or other facilities that may be provided for storage of personal items.

"Story": That portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above. The portion between the upper surface of a basement floor and the upper surface of the floor above shall be considered a story if at least 50% of the basement gross floor area consists of functional spaces.

"Structural Change": Changes to or rearrangement of the structural elements, plumbing fixture changes, or changes to or rearrangement of the plan configuration of walls and full height partitions.

"Structural Element": A load-carrying component of a structural system of a building, structure, or facility, such as a foundation, wall, column, strut, slab, beam, girder, truss, or arch.

"Structurally Impracticable": Those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features in new construction.

"Tactile": An object that can be perceived using the sense of touch.

"Technically Infeasible": With respect to an alteration of a building or a facility, a change that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member, which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility. (ADAAG 4.1.6)

"Tenant Work": New construction or alterations to the interior of an existing building by an individual or company who does not own the building, but who will lease the space from the building owner.

"Temporary": A building or any element of a building which is not permanent and is designed to be used only for a short period of time for some special purpose. Time limitation within the definition of temporary is generally six months for most temporary buildings or elements. Examples include, but are not limited to: reviewing stands, temporary classrooms, bleacher areas, exhibit areas, temporary banking facilities, temporary health screening services, or temporary

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safe pedestrian passageways around a construction site.

"Text Telephone/TDD": Machinery or equipment that employs interactive graphic (i.e., typed) communications through the transmission of coded signals across the standard telephone network. Text telephones can include, for example, devices known as TDD's (telecommunication display devices or telecommunication devices for deaf persons) or computers.

"Tier or Tier Seating": Any intermediate occupiable and useable level placed above or below any floor of a building, or a step or raised or lowered platform on the floor itself used normally for elevating or lowering a seating or viewing position. The net area of a tier is included in the net area of the floor above, below or on which it is placed.

"Toilet Rooms": At a minimum, a toilet room will consist of one water closet and one lavatory all located in the same room.

"Transient Lodging": A building or facility or portion of a building or facility, excluding inpatient medical care facilities and owner-occupied buildings of four or fewer lodging units. Transient lodging may include, but is not limited to, resorts, group homes, hotels and motels, including cabins and other detached units, and dormitories, fraternities and sororities.

"Vehicular Way": A route intended for vehicular traffic, such as a street, driveway or parking lot.

"Wall": A vertical element used primarily to enclose or separate spaces.

"Walk": An exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

"Work": The process of new construction, alterations, additions, historic preservation, restoration, reconstruction, or the design thereof.

Section 400.220 Space Allowance and Reach Ranges

- a) Wheelchair Passage Width
The minimum clear width for single wheelchair passage shall be 32 in. (815 mm) at a point and 36 in. (915 mm) continuously (see Illustration B, Fig. 1 and 24(e)). (ADAAG 4.2.1)
- b) Width for Wheelchair Passing
The minimum width for two wheelchairs to pass is 60 in. (1525 mm) (see

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Illustration B, Fig. 2). (ADAAG 4.2.2)

c) Wheelchair Turning Space

The space required for a wheelchair to make a 180-degree turn is a clear space of 60 in. (1525 mm) diameter (see Illustration B, Fig. 3(a)) or a T-shaped space (see Illustration B, Fig. 3(b)). (ADAAG 4.2.3)

d) Clear Floor or Ground Space for Wheelchairs

1) Size and Approach. The minimum clear floor or ground space required to accommodate a single, stationary wheelchair and occupant is 30 in. by 48 in. (760 mm by 1220 mm) (see Illustration B, Fig. 4(a)). The minimum clear floor or ground space for wheelchairs may be positioned for forward or parallel approach to an object (see Illustration B, Fig. 4(b) and (c)). Clear floor or ground space for wheelchairs may be part of the knee space required under some objects. (ADAAG 4.2.4.1)

2) Relationship of Maneuvering Clearance to Wheelchair Spaces. One full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair clear floor space. If a clear floor space is located in an alcove or otherwise confined on all or part of three sides, additional maneuvering clearances shall be provided as shown in Illustration B, Fig. 4(d) and (e). (ADAAG 4.2.4.2)

3) Surfaces for Wheelchair Spaces. Clear floor or ground spaces for wheelchairs shall comply with Section 400.310(a)(5), (7), (11) and (12). (ADAAG 4.2.4.3)

e) Forward Reach

If the clear floor space only allows forward approach to an object, the maximum high forward reach allowed shall be 48 in. (1220 mm) (see Illustration B, Fig. 5(a)). The minimum low forward reach is 15 in. (380 mm). If the high forward reach is over an obstruction, reach and clearances shall be as shown in Illustration B, Fig. 5(b). (ADAAG 4.2.5)

f) Side Reach

If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be 54 in. (1370 mm) and the low side reach shall be no less than 9 in. (230 mm) above the floor (Illustration B, Fig. 6(a) and (b)). If the side reach is over an obstruction, the reach and clearances shall be as shown in Illustration B, Fig. 6(c). (ADAAG 4.2.6)

SUBPART C: PUBLIC FACILITIES - NEW CONSTRUCTION

Section 400.310 Public Facilities, New Construction - Minimum Requirements

All public facilities to which the Environmental Barriers Act [410 ILCS 25] and this Code apply and which involve work of wholly new construction or reconstruction and not additions, alterations, or historic preservation, shall be accessible to environmentally limited persons on all floors (levels),

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mezzanines and tiers, unless specifically exempted in this Code by meeting the following requirements:

a) Accessible Route

Accessible routes on an accessible site and for any new site improvements shall be provided to serve all accessible spaces or elements. Accessible routes include exterior routes, at least one accessible entrance, a means of egress, and interior horizontal (e.g., corridors) and vertical (e.g., elevators) circulation routes. Accessible routes shall meet the following requirements:

- 1) Location.
 - A) At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking, accessible passenger loading zones, if provided, taxi stands, public streets or sidewalks, and accessible facilities on non-contiguous sites, to an accessible building entrance. (ADAAG 4.3.2(1))
 - B) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site. (ADAAG 4.3.2(2))
 - C) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility. (ADAAG 4.3.2(3))
 - D) An accessible route shall connect at least one accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit. (ADAAG 4.3.2(4))
- 2) Width. The minimum clear width of an accessible route shall be 36 in. (915 mm) except at doors (see subsection (j)(4)(5) of this Section). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Illustration B, Fig. 7(a) and (b). (ADAAG 4.3.3)
- 3) Passing Space. If an accessible route has less than 60 in. (1525 mm) clear width, then passing spaces at least 60 in. by 60 in. (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 ft. (61 m). A T-intersection of two corridors or walks is an acceptable passing place. (ADAAG 4.3.4)
- 4) Head Room. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have 80 in. (2030 mm) minimum clear head room (see Illustration B, Fig. 8(a)). If vertical clearance of an area adjoining an accessible route is reduced to less than 80 in. (nominal dimension), a barrier to warn blind or visually-impaired persons shall be provided (see Illustration B, Fig. 8(c-1)). (ADAAG 4.3.5; 4.4.2)
- 5) Ground and Floor Surfaces. Ground and floor surfaces along accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs, and curb ramps, shall be stable,

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- firm, slip-resistant, and shall comply with subsection (a)(7), (11) and (12) of this Section. (ADAAG 4.5.1)
- 6) Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with subsection (e) of this Section. Nowhere shall the cross slope of an accessible route exceed 1:50. (ADAAG 4.3.7)
- 7) Changes in Level. Changes in level up to 1/4 in. (6 mm) may be vertical and without edge treatment (see Illustration B, Fig. 7(c)). Changes in level between 1/4 in. and 1/2 in. (6 mm and 13 mm) shall be beveled with a slope no greater than 1:2 (see Illustration B, Fig. 7(d)). (ADAAG 4.5.2) If an accessible route has changes in level greater than 1/2 in. (13 mm), then a curb ramp, ramp, elevator, or platform lift (as permitted in subsection (h)(1) of this Section) shall be provided that complies with subsection (d), (e), (g) or (h) of this Section, respectively. An accessible route does not include stairs, steps, or escalators. (ADAAG 4.3.8)
- 8) Doors. Doors along an accessible route shall comply with subsection (j) of this Section. (ADAAG 4.3.9)
- 9) Egress. Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible area of rescue assistance (see subsection (b) of this Section). (ADAAG 4.3.10)
- 10) Protruding Objects. Objects projecting from walls (for example, telephones) with their leading edges between 27 in. and 80 in. (685 mm and 2030 mm) above the finished floor shall protrude no more than 4 in. (100 mm) into walks, halls, corridors, passageways, or aisles (see Illustration B, Fig. 8(a)). Objects mounted with their leading edges at or below 27 in. (685 mm) above the finished floor may protrude any amount (see Illustration B, Fig. 8(a) and (b)). Free-standing objects mounted on posts or pylons may overhang 12 in. (305 mm) maximum from 27 in. to 80 in. (685 mm to 2030 mm) above the ground or finished floor (see Illustration B, Fig. 8(c) and (d)). Protruding objects shall not reduce the clear width of an accessible route or maneuvering space (see Illustration B, Fig. 8(e)). (ADAAG 4.4.1)
- 11) Carpet. If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing, or no cushion or pad; and have a level loop, textured loop, level cut pile, or level cut/uncut pile texture. The maximum pile thickness shall be 1/2 in. (13 mm) (see Illustration B, Fig. 8(f)). Exposed edges of carpet shall be fastened to floor surfaces and have trim along the entire length of the exposed edge. Carpet edge trim shall comply with the "Changes of Level" requirement at subsection (a)(7) of this Section. (ADAAG 4.5.3)

NOTE: Where a mat is used on a temporary or seasonal basis, it

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shall be securely attached or have a backing designed to be non-slip.

- 12) Gratings. If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 in. (13 mm) wide in one direction (see Illustration B, Fig. 8(g)). If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel (see Illustration B, Fig. 8(h)). (ADAAG 4.5.4)

b) Means of Egress and Areas of Rescue Assistance

- 1) Exit Access. Accessible routes shall serve as the exit access portion of the means of egress for emergencies, or connect to an accessible area of rescue assistance as required in subsection (b)(4) of this Section. Where applicable building code provisions require more than one means of egress from any space or room, the exit access portion of each means of egress shall be served by accessible routes.
- 2) Stairs. Stairs meeting the requirements of subsection (f) of this Section and the applicable building code are permitted within the exit portion of the means of egress.
- 3) Exception. Except as required by the applicable building code, a means of egress and an accessible area of rescue assistance are not required for one-family and two-family units and one or two-story detached dwelling units.
- 4) Areas of Rescue Assistance.

NOTE: In Illinois, there is no exemption from the requirement for an area of rescue assistance in buildings equipped with an automatic fire suppression system.

A) Location and Construction

An area of rescue assistance shall be one of the following:

- i) A portion of a stairway landing within a smoke proof enclosure (complying with local requirements).
- ii) A portion of an exterior exit balcony located immediately adjacent to an exit stairway when the balcony complies with local requirements for exterior exit balconies. Openings to the interior of the building located within 20 feet (6m) of the area of rescue assistance shall be protected with fire assemblies having a three-fourths hour fire protection rating.
- iii) A portion of a one-hour-fire-resistive corridor (complying with local requirements for fire-resistive construction and for openings) located immediately adjacent to an exit enclosure.
- iv) A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required for corridors and openings.
- v) A portion of a stairway landing within an exit enclosure which is vented to the exterior and is

separated from the interior of the building with not less than one-hour-fire-resistive doors.

- vi) When approved by the appropriate local authority, an area or a room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one hour and shall completely enclose the area or room. Doors in the smoke barrier shall be tight-fitting smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. Where the room or area exits into an exit enclosure which is required to be of more than one-hour-fire-resistive construction, the room or area shall have the same fire-resistive construction, including the same opening protection, as required for the adjacent exit enclosure.

- vii) An elevator lobby when elevator shafts and adjacent lobbies are pressurized as required for smoke proof enclosures by local regulations and when complying with requirements herein for size, communication, and signage. Such pressurization system shall be activated by smoke detectors on each floor located in a manner approved by the appropriate local authority. Pressurization equipment and its duct work within the building shall be separated from other portions of the building by a minimum two-hour fire-resistive construction. (ADAAG 4.3.11.1)

B) Size.

- i) Each area of rescue assistance shall provide at least two accessible areas each being not less than 30 in. by 48 in. (760 mm by 1220 mm). The area of rescue assistance shall not encroach on any required exit width. The total number of such 30 in. by 48 in. (760 mm by 1220 mm) areas per story shall be not less than one for every 200 persons of calculated occupant load served by the area of rescue assistance.

EXCEPTION: The appropriate local authority may reduce the minimum number of 30 in. by 48 in. (760 mm by 1220 mm) areas to one for each area of rescue assistance on floors where the occupant load is less than 200. (ADAAG 4.3.11.2)

ii) Stairway Width

Each stairway adjacent to an area of rescue assistance shall have a minimum clear width of 48 in. between handrails. (ADAAG 4.3.11.3)

iii) Two-Way Communication

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A method of two-way communication, with both visible and audible signals, shall be provided between each area of rescue assistance and the primary entry. The fire department or appropriate local authority may approve a location other than the primary entry. (ADAAG 4.3.11.4)

iv) Identification

Each area of rescue assistance shall be identified by a sign which states "AREA OF RESCUE ASSISTANCE" and displays the international symbol of accessibility. The sign shall be illuminated when exit sign illumination is required. Signage shall also be installed at an inaccessible exit and where otherwise necessary to indicate clearly the direction to areas of rescue assistance. In each area of rescue assistance, instructions on the use of the area under emergency conditions shall be posted adjoining the two-way communication system. (ADAAG 4.3.11.5)

C) Plan. The floor plan showing exit discharge(s) shall indicate the number of environmentally limited persons anticipated to be evacuated in an emergency for the assistance of the owner in preparing an emergency management evacuation plan prior to occupancy of the building.

c) Parking and Passenger Loading Zones
1) Minimum Number. If any parking is provided for employees or visitors, or both, the minimum number of accessible parking spaces to be provided for environmentally limited persons is as follows:

TOTAL OFF - STREET PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501-1000	2% of total number
Over 1000	20 plus 1 for each 100 over 1000

TOTAL OFF - STREET PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501-1000	2% of total number
Over 1000	20 plus 1 for each 100 over 1000

(Table from ADAAG 4.1.2(5)(a))

2) Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In

parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances. The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved in consideration of such factors as anticipated usage, number and location of entrances and level of parking areas. (ADAAG 4.6.2)

3) Dimensions and Markings. Each parking space, except on-street spaces, shall consist of a sixteen foot wide parking space including an eight foot wide diagonally striped access aisle. Adjacent parking spaces shall not share a common access aisle. (see Illustration B, Fig. 9(a)). In the alternative, all required parking spaces may be provided in conformance with "Universal Parking Design" (ADAAG Appendix A4.6.3), except that such spaces shall not utilize a shared access aisle with an adjacent space (ADAAG 4.1.2(5)(b) Exception) Under Universal Parking Design, all accessible spaces are sixteen feet wide, including a space eleven feet (132 in., 3350 mm) wide with a five foot (60 in., 1525 mm) diagonally striped access aisle (see Illustration B, Fig. 9(b)). A high quality yellow paint recommended by the paint manufacturer for pavement striping shall be used. Each parking space shall have its own access aisle and all access aisles shall blend to a common level with an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. (ADAAG 4.6.3) Minimum vertical clearance of 98 in. (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s) shall be provided. (ADAAG 4.6.5)

4) Attendant-Only or Valet Parking. No accessible parking shall be required if attendant-only or valet parking is provided and is available at all times the facility is open for public use. However, such parking facilities shall provide a passenger loading zone complying with subsection (c)(5) of this Section located on an accessible route to the entrance of the facility. (ADAAG 4.1.2(5)(e)) If accessible at-grade parking is available, at least one space for self-parking of a vehicle with sensitive specialized control devices shall be provided.

5) Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least 60 in. (1525 mm) wide and 20 ft. (240 in., 6100 mm) long adjacent and parallel to the vehicle pull-up space (see Illustration B, Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with subsection (d) of this Section shall be provided. Vehicle standing spaces and access aisles shall be level with

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surface slopes not exceeding 1:50 (2%) in all directions. Accessible passenger loading zones shall provide minimum vertical clearance of 114 in. (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). (ADAAG 4.6.6)

6) Medical Facilities. At facilities providing medical care and other services for persons with mobility impairments, parking spaces shall be provided in accordance with subsection (c) of this Section except as follows:

- A) Outpatient units and facilities: 10% of the total number of parking spaces provided serving each such outpatient unit or facility shall be designated as accessible spaces;
- B) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20% of the total number of parking spaces provided serving each such unit or facility shall be designated as accessible spaces. (ADAAG 4.1.2(5)(d)(i) and (ii))

7) Signage. Accessible parking spaces shall be designated as reserved for environmentally limited persons by providing a R7-8 (U.S. Department of Transportation standard) sign which contains the international symbol of accessibility (see Illustrations C and D). Such signs shall exhibit the words "\$100 Fines" (or higher amount if required by local ordinance). (See Illinois Vehicle Code [625 ILCS 5/11-301 and 301.1].) Signs shall be vertically mounted on a post or wall at front center of the parking space, no more than 5 feet horizontally from the front of the parking space and set a minimum of 4 feet from finished grade to the bottom of the sign. Such signs shall be located so they cannot be obscured by a vehicle parked in the space. (ADAAG 4.6.4)

d) Curb Ramps

- 1) Location. Curb ramps shall be provided wherever an accessible route crosses a curb (ADAAG 4.7.1) and shall comply with the following:
 - 2) Slope. Slopes of curb ramps shall comply with subsection (e)(2) of this Section. The slope shall be measured as shown in Illustration B, Fig. 11. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes. Maximum slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1:20. (ADAAG 4.7.2)
 - 3) Width. The minimum width of a curb ramp shall be 36 in. (915 mm), exclusive of flared sides. (ADAAG 4.7.3)
 - 4) Surface. Surfaces of curb ramps shall comply with subsection (a)(5), (7), (11) and (12) of this Section. (ADAAG 4.7.4)
 - 5) Sides of Curb Ramps. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides; the maximum

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slope of the flare shall be 1:10 (see Fig. 12(a)). Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp (see Illustration B, Fig. 12(b)). (ADAAG 4.7.5)

- 6) Built-up Curb Ramps. Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes (see Illustration B, Fig. 13). (ADAAG 4.7.6)
 - 7) Detectable Warnings. A curb ramp shall have a detectable warning feature extending the full width and depth of the curb ramp, including any flares. (ADAAG 4.7.7) Such detectable warning features shall consist of exposed aggregate concrete or parallel or diamond mesh pattern grooves, cushioned surfaces made of rubber or plastic, or raised strips (see Illustration B, Fig. 40). Textures shall contrast with that of the surrounding surface. Textured surfaces for detectable warnings shall be standard within a site.
 - 8) Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles. (ADAAG 4.7.8)
 - 9) Location at Marked Crossings. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides (see Illustration B, Fig. 15). (ADAAG 4.7.9)
 - 10) Diagonal Curb Ramps. If diagonal (or corner-type) curb ramps have returned curbs or other well-defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have 48 in. (1220 mm) minimum clear space as shown in Illustration B, Fig. 15(c) and (d). If diagonal curb ramps are provided at marked crossings, the 48 in. (1220 mm) clear space shall be within the markings (see Illustration B, Fig. 15(c) and (d)). If diagonal curb ramps have flared sides, they shall also have at least a 24 in. (610 mm) long segment of straight curb located on each side of the curb ramp and within the marked crossing (see Illustration B, Fig. 15(c)). (ADAAG 4.7.10)
 - 11) Islands. Any raised islands in crossings shall be cut through level with the street or having curb ramps at both sides and a level area at least 48 in. (1220 mm) long between the curb ramps in the part of the island intersected by the crossings (see Illustration B, Fig. 15(a) and (b)). (ADAAG 4.7.11)
- e) Ramps
- 1) General. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with the following requirements unless another means of accessible vertical access (e.g., accessible elevator or accessible platform lift) is provided. (ADAAG 4.8.1)
 - 2) Slope and Rise. The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. The maximum rise for any run shall be 30 in. (760 mm) (see Illustration B, Fig. 16). Curb ramps and interior or exterior

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ramps to be constructed on existing sites or in existing buildings or facilities where space limitations prohibit the use of a 1:12 slope or less may have slopes and rises as follows: (ADAAG 4.8.2)

- A) A slope between 1:10 and 1:12 is allowed for a maximum rise of 6 in.
- B) A slope between 1:8 and 1:10 is allowed for a maximum rise of 3 in. A slope steeper than 1:8 is not allowed. (ADAAG 4.1.6(3)(a))

- 3) Clear Width. The minimum clear width of a ramp shall be 36 in. (915 mm). (ADAAG 4.8.3)

- 4) Landings. Ramps shall have level landings at bottom and top of each ramp and each ramp run. Landings shall have the following features:

- A) The landing shall be at least as wide as the ramp run leading to it.
- B) The landing length shall be a minimum of 60 in. (1525 mm) clear.

- C) If ramps change direction at landings, the minimum landing size shall be 60 in. by 60 in. (1525 mm by 1525 mm).

- D) If a doorway is located at a landing, then the area in front of the doorway shall comply with subsection (j)(5) of this Section. (ADAAG 4.8.4)

- 5) Handrails. If a ramp run has a rise greater than 6 in. (150 mm) or a horizontal projection greater than 72 in. (1830 mm), then it shall have handrails on both sides. Handrails are not required on curb ramps or adjacent to seating in assembly areas. Handrails shall comply with subsection (p) of this Section and shall have the following features:

- A) Handrails shall be provided along both sides of ramp segments. The inside handrail on switchback or dogleg ramps shall always be continuous.

- B) If handrails are not continuous, they shall extend at least 12 in. (305 mm) beyond the top and bottom of the ramp segment and shall be parallel with the floor or ground surface (see Illustration B, Fig. 17).

- C) The clear space between the handrail and the wall shall be 1-1/2 in. (38 mm).

- D) Gripping surfaces shall be continuous.

- E) Top of handrail gripping surfaces shall be mounted between 34 in. and 38 in. (865 mm and 965 mm) above ramp surfaces.

- F) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.

- G) Handrails shall not rotate within their fittings. (ADAAG 4.8.5)

- 6) Cross Slope and Surfaces. The cross slope of ramp surfaces shall be no greater than 1:50. Ramp surfaces shall comply with subsection (a)(5), (7), (11) and (12) of this Section. (ADAAG

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4.8.6)

- 7) Edge Protection. Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp. Curbs shall be a minimum of 2 in. (50 mm) high (see Illustration B, Fig. 17). (ADAAG 4.8.7)

- 8) Outdoor Conditions. Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces. (ADAAG 4.8.8)

- 9) Exceptions. The following areas do not have to be served by accessible ramps provided that such areas comply with Section 400.320(a)(1), and further provided that the same functions and services are available on an accessible level of the space: temporary raised platforms; seating tiers; theater rows; stadium rows; and auditorium rows utilizing fixed seating. Ramps do not have to be provided to all levels of a multi-level platform. For requirements for restaurants and cafeterias, see Section 400.320(1).

f) Stairs

- 1) General. Interior and exterior stairs connecting floors and/or levels that are not connected by an elevator, platform lift or ramp, which are required as a means of egress by the applicable building code, or which are part of an accessible route, shall comply with the following requirements. (ADAAG 4.1.3(4))

- 2) Treads and Risers. On any given flight of stairs, all steps shall have uniform riser heights and uniform tread widths. Risers shall be a maximum of 7 in. (180 mm) in height. Stair treads shall be no less than 11 in. (280 mm) wide, measured from riser to riser (see Illustration B, Fig. 18(a)). Open risers are not permitted. (ADAAG 4.9.2)

- 3) Nosings. The undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than 1/2 in. (13 mm). Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal. Nosings shall project no more than 1-1/2 in. (38 mm) (see Illustration B, Fig. 18). (ADAAG 4.9.3)

- 4) Handrails. Stairways shall have handrails at both sides of all stairs. Handrails shall comply with subsection (p) of this Section and shall have the following features:

- A) Handrails shall be continuous along both sides of stairs. The inside handrail on switchback or dogleg stairs shall always be continuous (see Illustration B, Fig. 19(a) and (b)).

- B) If handrails are not continuous, they shall extend at least 12 in. (305 mm) beyond the top riser and at least 12 in. (305 mm) plus the width of one tread beyond the bottom riser. At the top, the extension shall be parallel with the floor or ground surface. At the bottom, the handrail shall continue to slope for a distance of the width of one tread

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from the bottom riser; the remainder of the extension shall be horizontal (see Illustration B, Fig. 19(c) and (d)). Handrail extensions shall comply with subsection (a)(10) of this Section.

- C) The clear space between handrails and wall shall be 1-1/2 in. (38 mm).
- D) Gripping surfaces shall be uninterrupted by newel posts, other construction elements, or obstructions.
- E) Top of handrail gripping surface shall be mounted between 34 in. and 38 in. (865 mm and 965 mm) above stair nosings.
- F) Ends of handrails shall be either rounded or returned smoothly to floor, wall or post.
- G) Handrails shall not rotate within their fittings. (ADAAG 4.9.4)
- 5) Detectable Warnings at Stairs. See subsection (s)(3) of this Section.
- 6) Outdoor Conditions. Outdoor stairs and their approaches shall be designed so that water will not accumulate on walking surfaces. (ADAAG 4.9.6)

g) Elevators

- 1) General. All passenger elevators provided in a building or facility shall be accessible as provided below, shall serve all levels of a building or facility, shall be on an accessible route and shall comply with the ASME A17.1-1996, Safety Code for Elevators and Escalators, unless exempted at subsection (g)(16) of this Section. Freight elevators shall not be considered as meeting requirements of this Section unless the only elevators provided are used as combination passenger and freight elevators for the public and employees. (ADAAG 4.10.1)

- 2) Automatic Operation. Elevator operation shall be automatic. Each car shall be equipped with a self-leveling feature that will automatically bring the car to floor landings within a tolerance of 1/2 in. (13 mm) under rated loading to zero loading conditions. This self-leveling feature shall be automatic and independent of the operating device and shall correct the overtravel or undertravel. (ADAAG 4.10.2)

- 3) Hall Call Buttons. Call buttons in elevator lobbies and halls shall be centered at 42 in. (1065 mm) above the floor. Such call buttons shall have visual signals to indicate when each call is registered and when each call is answered. Call buttons shall be a minimum of 3/4 in. (19 mm) in the smallest dimension. The button designating the up direction shall be on top (see Illustration B, Fig. 20). Buttons shall be raised or flush. Objects mounted beneath hall call buttons shall not project into the elevator lobby more than 4 in. (100 mm). (ADAAG 4.10.3)

- 4) Hall Lanterns. A visible and audible signal shall be provided at each hoistway entrance to indicate which car is answering a call. Audible signals shall sound once for the up direction and twice

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for the down direction or shall have verbal annunciators that say "up" or "down". Visible signals shall have the following features:

- A) Hall lantern fixtures shall be mounted so that their centerline is at least 72 in. (1830 mm) above the lobby floor (see Illustration B, Fig. 20).
- B) Visual elements shall be at least 2-1/2 in. (64 mm) in the smallest dimension.
- C) Signals shall be visible from the vicinity of the hall call button (see Illustration B, Fig. 20). In-car lanterns located in cars, visible from the vicinity of hall call buttons, and conforming to the above requirements, shall be acceptable. (ADAAG 4.10.4)
- 5) Raised and Braille Characters on Hoistway Entrances. All elevator hoistway entrances shall have raised and Braille floor designations provided on both jambs. The centerline of the characters shall be 60 in. (1525 mm) above finish floor. Such characters shall be 2 in. (50 mm) high and shall comply with subsection (t)(3) of this Section. Permanently applied plates are acceptable if they are permanently fixed to the jambs (see Illustration B, Fig. 20). (ADAAG 4.10.5)
- 6) Door Protective and Reopening Device. Elevator doors shall open and close automatically. They shall be provided with a reopening device that will stop and reopen a car door and hoistway door automatically if the door becomes obstructed by an object or person. The device shall be capable of completing these operations without requiring contact for an obstruction passing through the opening at heights of 5 in. and 29 in. (125 mm and 735 mm) above finish floor (see Illustration B, Fig. 20). Door reopening devices shall remain effective for at least 20 seconds. After such an interval, doors may close in accordance with the requirements of ASME A17.1-1996. (ADAAG 4.10.6)
- 7) Door and Signal Timing for Hall Calls. The minimum acceptable time from notification that a car is answering a call until the doors of that car start to close shall be calculated from the following equation: $T=D/(1.5 \text{ ft/s})$ or $T=D/(445 \text{ mm/s})$ where T total time in seconds and D distance (in feet or millimeters) from a point in the lobby or corridor 60 in. (1525 mm) directly in front of the farthest call button controlling that car to the centerline of its hoistway door (see Illustration B, Fig. 21). For cars with in-car lanterns, T begins when the lantern is visible from the vicinity of hall call buttons and an audible signal is sounded. The minimum acceptable notification time shall be 5 seconds. (ADAAG 4.10.7)
- 8) Door Delay for Car Calls. The minimum time for elevator doors to remain fully open in response to a car call shall be 3 seconds. (ADAAG 4.10.8)
- 9) Floor Plan of Elevator Cars. The floor area of elevator cars

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shall provide space for wheelchair users to enter the car, maneuver within reach of controls, and exit from the car. Acceptable door opening and inside dimensions shall be as shown in Illustration B, Fig. 22. The clearance between the car platform sill and the edge of any hoistway landing shall be no greater than 1-1/4 in. (32 mm). (ADAAG 4.10.9)

10) Floor Surfaces. Floor surfaces shall comply with subsection (a)(5), (7), (11) and (12) of this Section. (ADAAG 4.10.10)

11) Illumination Levels. The level of illumination at the car controls, platform, and car threshold and landing sill shall be at least 5 footcandles (53.8 lux). (ADAAG 4.10.11)

12) Car Controls. Elevator control panels shall have the following features:

- A) Buttons. All control buttons shall be at least 3/4 in. (19 mm) in their smallest dimension. They shall be raised or flush.
 - B) Tactile, Braille and Visual Control Indicators. All control buttons shall be designated by Braille and by raised standard alphabet characters for letters, arabic characters for numerals, or standard symbols as shown in Illustration B, Fig. 23(a), and as required in ASME A17.1-1996. Raised and Braille characters and symbols shall comply with subsection (t)(3) of this Section. The call button for the main entry floor shall be designated by a raised star at the left of the floor designation (see Illustration B, Fig. 23(a)). All raised designations for control buttons shall be placed immediately to the left of the button to which they apply. Applied plates, permanently attached, are an acceptable means to provide raised control designations. Floor buttons shall be provided with visual indicators to show when each call is registered. The visual indicators shall be extinguished when each call is answered.
 - C) Height. All floor buttons shall be no higher than 54 in. (1370 mm) above the finish floor for side approach and 48 in. (1220 mm) for front approach. Emergency controls, including the emergency alarm and emergency stop, shall be grouped at the bottom of the panel and shall have their centerlines no less than 35 in. (890 mm) above the finish floor (see Illustration B, Fig. 23(a) and (b)).
 - D) Location. Controls shall be located on a front wall if cars have center opening doors, and at the side wall or at the front wall next to the door if cars have side opening doors (see Illustration B, Fig. 23(c) and (d)). (ADAAG 4.10.12)
- 13) Car Position Indicators. In elevator cars, a visual car position indicator shall be provided above the car control panel or over the door to show the position of the elevator in the hoistway. As the car passes or stops at a floor served by the elevators, the corresponding numerals shall illuminate and an audible signal

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shall sound. Numerals shall be a minimum of 1/2 in. (13 mm) high. The audible signal shall be no less than 20 decibels with a frequency no higher than 1500 Hz. An automatic verbal announcement of the floor number at which a car stops or which a car passes may be substituted for the audible signal. (ADAAG 4.10.13)

- 14) Emergency Communications. If provided, emergency two-way communication systems between the elevator and a point outside the hoistway shall comply with ASME A17.1-1996. The highest operable part of a two-way communication system shall be a maximum of 48 in. (1220 mm) from the floor of the car. It shall be identified by a raised symbol and lettering complying with subsection (t) of this Section and located adjacent to the device. If the system uses a handset then the length of the cord from the panel to the handset shall be at least 29 in. (735 mm). If the system is located in a closed compartment the compartment door hardware shall conform to subsection (q) of this Section. The emergency inter-communication system shall not require voice communications. (ADAAG 4.10.14)

- 15) Handrails. Handrails in compliance with subsection (p) of this Section shall be provided on the side walls (and preferably both the side and rear walls) of all accessible passenger elevator cabs, mounted at a height of between 32 in. (815 mm) and 36 in. (915 mm) above the floor of the cab. A bar section 1 1/4 in. (32 mm) to 1 1/2 in. (38 mm) in depth, minimum 3/8 in. (9.6 mm) thickness, with 1/8 in. (3.2 mm) radius edges is also acceptable. Exemptions. The following areas do not have to be served by accessible passenger elevators:

- A) The basement or second floor or mezzanine space of privately owned public facilities, subject to all of the following:
 - i) The basement functional space, second story space, or mezzanine space are each limited to 1000 net square feet or less. See definition of "functional space" (Section 400.320(b)(52)).
 - ii) The exempt area must consist of the following type of space:
 - the second story of a two-story building without a basement; or
 - the mezzanine of a one-story building without a basement; or
 - the second story of a two-story building with a basement with less than 50% functional space; or
 - the mezzanine of a one-story building with a basement with less than 50% functional space; or

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a basement with 50% or more functional space in a one-story building.

- iii) For mezzanines, see also Section 400.320(l)(4) exception.
- iv) The exemption does not apply to areas of visitor usage or to common employee usage such as locker areas, toilet facilities or lunchrooms if these facilities are the only ones in the building.
- v) The exemption also does not apply to a shopping center, shopping mall, or the professional office of a health care provider. (ADAAG 4.1.3(5))
- B) Temporary raised platforms; seating tiers; theater rows; stadium rows; and, auditorium rows utilizing fixed seating provided that they comply with Section 400.320(a)(1), and further provided that the same functions and services are available on an accessible level of the space. Elevators do not have to be provided to all levels of a multi-level platform.
- C) Areas served by ramps which conform to subsection (e) of this Section.
- D) Areas permitted to be served by platform lifts pursuant to and in conformance with subsection (h) of this Section.
- E) The elevator exemption in subsections (g)(16)(A) through (D) above does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this Section.
- 17) Elevator in Exempt Facility. If a facility is eligible for the elevator exemption but a full passenger elevator is nonetheless planned, that elevator shall meet the requirements of this Section and shall serve each level in the building. (ADAAG 4.1.3(5), Exception 1)
- h) Platform Lifts (Wheelchair Lifts)
 - 1) Conditions for Use. Platform lifts may only be used in lieu of conforming accessible ramps or elevators under the following conditions:
 - A) To provide an accessible route to a performing area in an assembly occupancy.
 - B) To comply with the wheelchair viewing position line-of-sight and dispersion requirements of Section 400.320(a)(1)(B).
 - C) To provide access to incidental occupiable spaces and rooms which are not open to the general public and which house no more than five persons, including but not limited to equipment control rooms and projection booths.
 - D) To provide access where existing site or physical constraints make use of a ramp or an elevator infeasible. (Excerpt from ADAAG 4.1.3(5)-Exception 4)
 - E) To provide access to the second story or the mezzanine of a

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two-story building, or to the basement or mezzanine space of a one-story building, where each story is more than 1000 square feet and less than 3000 square feet, and is not a shopping center, shopping mall or the professional office of a health care provider. If permitted under this Section, the lift must comply with ASME A17.1-1996, Section XXV.

- 2) General. If a platform lift is permitted, it shall facilitate unassisted entry, operation, and exit from the lift and shall comply with the following requirements:

- A) Clear floor or ground space for wheelchairs shall comply with Section 400.220(d). Wheelchair lift platform shall be a minimum of 30 in. (760 mm) wide by 48 in. (1220 mm) long, clear. Maximum inside net platform area shall not exceed 18 square feet.
 - B) Ground and floor surfaces shall comply with subsections (a)(5), (7), (11) and (12) of this Section.
 - C) Controls and operating mechanisms shall comply with subsection (q) of this Section.
 - D) ASME A17.1 Safety Code for Elevators and Escalators, Section XX, 1990, except Rule 2001.10a Key Operation. (ADAAG 4.1.3; 4.11.2; 4.2.4, 4.5, 4.27), unless otherwise indicated in subsection (1)(E) of this subsection (h).
 - i) Windows (Reserved). (ADAAG 4.12)
 - j) Doors
 - All doors to accessible spaces (as defined in Section 400.210) shall comply with the following requirements:
 - 1) Revolving Doors and Turnstiles. Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route. An accessible gate or door shall be provided adjacent to the turnstile or revolving door and shall be so designed as to facilitate the same use pattern. (ADAAG 4.13.2)
 - 2) Gates. Gates, including ticket gates, shall meet all applicable specifications of subsection (j) of this Section, Doors. (ADAAG 4.13.3)
 - 3) Double-Leaf Doorways. If doorways have two independently operated door leaves, then at least one leaf shall meet the specifications in subsections (j)(4) and (5). That leaf shall be an active leaf. (ADAAG 4.13.4)
 - 4) Clear Width. Doorways shall have a minimum clear opening of 32 in. (815 mm) with the door open 90 degrees, measured between the face of the door and the opposite stop (see Illustration B, Fig. 24(a),(b),(c), and (d)). Openings more than 24 in. (610 mm) in depth shall comply with Section 400.220(a) and subsection (a)(2) of this Section (see Illustration B, Fig. 24(e)).
- EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have the clear opening reduced to 20 in. (510 mm) minimum. (ADAAG 4.13.5)

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- 5) Maneuvering Clearances at Doors. Minimum maneuvering clearances at doors that are not automatic or power-assisted shall be as shown in Illustration B, Fig. 25. The floor or ground area within the required clearances shall be level and clear.
- EXCEPTIONS: Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement for space at the latch side of the door (see dimension "x" in Illustration B, Fig. 25) if the door is at least 44 in. (1120 mm) wide. (ADAAG 4.13.6)
- 6) Doors in Series. The minimum space between two hinged or pivoted doors in series shall be 48 in. (1220 mm) plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors (see Illustration B, Fig. 26). (ADAAG 4.13.7)
- 7) Thresholds at Doorways. Thresholds at doorways shall not exceed 3/4 in. (19 mm) in height for exterior sliding doors or 1/2 in. (13 mm) for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2 (see subsection (a)(7) of this Section). (ADAAG 4.13.8)
- 8) Door Hardware. Handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Hardware required for accessible door passage shall be mounted no higher than 48 in. (1220 mm) above finished floor. (ADAAG 4.13.9)
- 9) Door Closers. If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees, the door will take at least 3 seconds to move to a point 3 in. (75 mm) from the latch, measured to the leading edge of the door. (ADAAG 4.13.10)
- 10) Door Opening Force. The maximum force for pushing or pulling open a door shall be as follows:
- A) Fire doors shall have the minimum opening force allowable by the appropriate administrative authority.
 - B) Other doors:
 - i) exterior hinged doors: 8.5 lbf (37.8N);
 - ii) interior hinged doors: 5 lbf (22.2N);
 - iii) sliding or folding doors: 5 lbf (22.2N).
- These forces do not apply to the force required to retract latch bolts or disengage other devices that may hold the door in a closed position. (ADAAG 4.13.11)
- 11) Automatic Doors and Power-Assisted Doors. If an automatic door is used, then it shall comply with ANSI/BHMA A156.10-1985.

Slowly opening, low-powered, automatic doors shall comply with ANSI A156.19-1984. Such doors shall not open to back check faster than 3 seconds and shall require no more than 15 lbf (66.8N) to stop door movement. If a power-assisted door is used, its door-opening force shall comply with subsection (j)(10) of this Section and its closing shall conform to the requirements in ANSI A156.19-1984. (ADAAG 4.13.12)

k) Entrances

- 1) General. Entrances required to be accessible below shall be part of an accessible route complying with subsection (a) of this Section. Such entrances shall be connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, and to public streets or sidewalks if available (see subsection (a)(1)(A) of this Section). They shall also be connected by an accessible route to all accessible spaces or elements within the building or facility. (ADAAG 4.14.1) At a minimum, the requirements in subsections (k)(2) and (3) below shall be satisfied independently:
- 2) Number and Distribution.
 - A) At least 50% of all public entrances (excluding those in subsection (k)(3) below) must be accessible. At least one must be a ground floor entrance. Public entrances are any entrances that are not loading or service entrances.
 - B) Accessible entrances must be provided in a number at least equivalent to the number of exits required by the applicable building/fire codes. (This paragraph does not require an increase in the total number of entrances planned for a facility.)
 - C) An accessible entrance must be provided to each tenancy in a facility (for example, individual stores in a strip shopping center). One entrance may be considered as meeting more than one of the requirements in this subsection (2). Where feasible, accessible entrances shall be the entrances used by the majority of people visiting or working in the building. (ADAAG 4.1.3(8)(a)(i)-(iii))
- 3) Other Entrances.
 - A) In addition, if direct access is provided for pedestrians from an enclosed parking garage to the building, at least one direct entrance from the garage to the building must be accessible.
 - B) If access is provided for pedestrians from a pedestrian tunnel or elevated walkway, one entrance to the building from each tunnel or walkway must be accessible. One entrance may be considered as meeting more than one of the requirements in subsection (k)(2) of this Section. Because entrances also serve as emergency exits whose proximity to all parts of buildings and facilities is essential, it is preferable that all entrances be accessible.

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C) If the only entrance to a building, or tenancy in a facility, is a service entrance, that entrance shall be accessible.

D) Entrances which are not accessible shall have directional signage which indicates the location of the nearest accessible entrance and meets the requirements of subsections (t)(2), (3), and (5) of this Section. (ADAAG 4.1.3(8)(b)-(d))

1) Drinking Fountains and Water Coolers

1) General. All public drinking fountains and water coolers which are provided in a public facility shall be located along an accessible route.

2) Single Fountain. Where only one drinking fountain is provided on a floor, there shall be a drinking fountain which is accessible to individuals who use wheelchairs in accordance with this Section and one accessible to those who have difficulty bending or stooping. (This can be accommodated by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending; by providing a fountain accessible under this Section and a water cooler; or by such other means as would achieve the required accessibility for each group on each floor.) (ADAAG 4.1.3(10)(a))

3) Other Fountains. Where more than one drinking fountain or water cooler is provided on a floor, at least 50% of those provided shall comply with the following requirements. (ADAAG 4.1.10(b))

A) Spout Height. Spouts shall be no higher than 36 in. (915 mm), measured from the floor or ground surfaces to the spout outlet (see Illustration B, Fig. 27(a)). (ADAAG 4.15.2)

B) Spout Location. The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or nearly parallel to the front of the unit. The spout shall provide a flow of water at least 4 in. (100 mm) high so as to allow the insertion of a cup or glass under the flow of water. On an accessible drinking fountain with a round or oval bowl, the spout must be positioned so the flow of water is within 3 in. (75 mm) of the front edge of the fountain. (ADAAG 4.15.3)

C) Controls. Controls shall comply with Section 400.310(g)(4). Unit controls shall be front mounted or side mounted near the front edge. (ADAAG 4.15.4)

D) Clearances.

1) Wall- and post-mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least 27 in. (685 mm) high, 30 in. (760 mm) wide, and 17 in. to 19 in. (430 mm to 485 mm) deep (see Illustration B, Fig. 27(a) and (b)).

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Such units shall also have a minimum clear floor space 30 in. by 48 in. (760 mm by 1220 mm) to allow a person in a wheelchair to approach the unit facing forward.

ii) Free-standing or built-in units not having a clear space under them shall have a clear floor space at least 30 in. by 48 in. (760 mm by 1220 mm) that allow a person in a wheelchair to make a parallel approach to the unit (see Illustration B, Fig. 27(c) and (d)). This clear floor space shall comply with Section 400.220(d). (ADAAG 4.15.5)

m) Sinks

1) General. Sinks required to be accessible shall comply with the following:

2) Height. Sinks shall be mounted with the counter or rim no higher than 34 in. (865mm) above the finish floor. (ADAAG 4.24.2)

3) Knee Clearance. Knee clearance that is at least 27 in. (685 mm) high, 30 in. (760 mm) wide, and 19 in. (485 mm) deep shall be provided underneath sinks. (ADAAG 4.24.3)

4) Depth. Each sink shall be a maximum of 6 1/2 in. (165 mm) deep. (ADAAG 4.24.4)

5) Clear Floor Space. A clear floor space at least 30 in. by 48 in. (760 mm by 1220 mm) complying with ADAAG 4.2.4 shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend a maximum of 19 in. (485 mm) underneath the sink. (ADAAG 4.24.5)

EXCEPTION: A parallel approach shall be permitted to a kitchen sink in a space where a cook top or conventional range is not provided

6) Exposed Pipes and Surfaces. Hot water and drain pipes exposed under sinks shall be installed or otherwise configured so as to protect against contact. There shall be no sharp or abrasive surfaces under sinks. (ADAAG 4.24.6)

7) Faucets. Lever-operated, push-type, touch-type or electronically controlled mechanisms are acceptable designs. (ADAAG 4.24.7) Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2N). (ADAAG 4.24.4)

n) Toilet Rooms

1) General. Public toilet rooms, required by the Illinois Plumbing Code (77 Ill. Adm. Code 890) to have a "Minimum Number of Plumbing Fixtures" shall have accessible toilet rooms and related fixtures for each sex (excluding toilet rooms in apartments of residential occupancies) in compliance with the following requirements.

2) Accessible Route. Accessible toilet rooms shall be on an accessible route. (ADAAG 4.22.1) Design and location of plumbing fixtures shall provide the same conditions and privacy for all

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users.

- 3) Doors. All doors to accessible toilet rooms shall comply with subsection (j) of this Section. Doors shall not swing into the clear floor space required for any fixture. (ADAAG 4.22.2)
- 4) Clear Floor Space. The accessible fixtures and controls required in subsections (n)(5), (6), (7) and (8) of this Section shall be on an accessible route. An unobstructed turning space complying with Section 400.220(c) shall be provided within an accessible toilet room. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap. (ADAAG 4.22.3)
- 5) Water Closets. If toilet stalls are provided in a room, then at least one shall be a standard toilet stall complying with subsection (n)(5)(A) of this Section; where 6 or more stalls are provided, in addition to the stall complying with subsection (n)(5)(A)(ii) of this Section, at least one stall 36 in. (915 mm) wide with an outward swinging, self-closing door and parallel grab bars complying with Illustration B, Fig. 30(d) and subsection (q) of this Section shall be provided. Water closets in such stalls shall comply with subsection (n)(5)(B) of this Section. If water closets are not in stalls, then at least one shall comply with subsection (n)(5)(B) of this Section. (ADAAG 4.22.4)

A) Toilet Stalls

- i) Water Closets. Water closets in accessible stalls shall comply with subsection (n)(5)(B) of this Section. (ADAAG 4.17.2)
- ii) Size and Arrangement. The size and arrangement of the standard toilet stall shall comply with Illustration B, Fig. 30(a), Standard Stall. Standard toilet stalls with a minimum depth of 56 in. (1420 mm) (see Illustration B, Fig. 30(a)) shall have wall-mounted water closets. If the depth of a standard toilet stall is increased at least 3 in. (75 mm), then a floor-mounted water closet may be used. Arrangements shown for standard toilet stalls may be reversed to allow either a left- or right-hand approach. Additional stalls shall be provided in conformance with subsection (n)(5) of this Section.
EXCEPTION: In instances of alteration work where provision of a standard stall (Illustration B, Fig. 30(a)) is technically infeasible or where plumbing code requirements prevent combining existing stalls to provide space, either alternate stall (Illustration B, Fig. 30(b)) may be provided in lieu of the standard stall. (ADAAG 4.17.3)
- iii) Toe Clearances. In standard stalls, the front partition and at least one side partition shall

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provide a toe clearance of at least 9 in. (230 mm) above the floor. If the depth of the stall is greater than 60 in. (1525 mm), then the toe clearance is not required. (ADAAG 4.17.4)

iv) Doors. Toilet stall doors, including door hardware, shall comply with subsection (j) of this Section. If toilet stall approach is from the latch side of the stall door, clearance between the door side of the stall and any obstruction may be reduced to a minimum of 42 in. (1065 mm) (Illustration B, Fig. 30). (ADAAG 4.17.5)

v) Grab Bars. Grab bars complying with the length and positioning shown in Illustration B, Fig. 30(a), (b), (c) and (d) shall be provided. Grab bars may be mounted with any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear floor area. Grab bars shall comply with subsection (q) of this Section. (ADAAG 4.17.6) Grab bars at back of flush valve water closets may be provided in two sections if high flushometer riser pipe is required by applicable building or plumbing code.

B) Water Closets

- i) Clear Floor Space. Clear floor space for water closets not in stalls shall comply with Illustration B, Fig. 28. Clear floor space may be arranged to allow either a left-handed or right-handed approach. (ADAAG 4.16.2)
- ii) Height. The height of water closets shall be 17 in. to 19 in. (430 mm to 485 mm), measured to the top of the toilet seat (see Illustration B, Fig. 29(b)). Seats shall not be sprung to return to a lifted position. (ADAAG 4.16.3)
- iii) Grab Bars. Grab bars for water closets not located in stalls shall comply with subsection (q) of this Section and Illustration B, Fig. 29. The grab bar behind the water closet shall be 36 in. (915 mm) minimum. (ADAAG 4.16.4) Grab bars at back of flush valve water closets may be provided in two sections if high flushometer riser pipe is required by applicable building or plumbing code.
- iv) Flush Controls. Flush controls shall be hand operated or automatic and shall comply with subsection (r)(4) of this Section. Controls for flush valves shall be mounted on the wide side of toilet areas no more than 44 in. (1120 mm) above the floor. (ADAAG 4.16.5)
- v) Dispensers. Toilet paper dispensers shall be installed within reach, as shown in Illustration B,

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Fig. 29(b). Dispensers that control delivery, or that do not permit continuous paper flow, shall not be used. (ADAAG 4.16.6)

- 6) Urinals. If urinals are provided, then at least one shall comply with the following requirements:

- A) Height. Urinals shall be stall-type or wall-hung with an elongated rim at a maximum of 17 in. (430 mm) above the finish floor. (ADAAG 4.18.2)
- B) Clear Floor Space. A clear floor space 30 in. by 48 in. (760 mm by 1220 mm) shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with Section 400.220(d). Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with 29 in. (735 mm) clearance between them. (ADAAG 4.18.3)
- C) Flush Controls. Flush controls shall be hand operated or automatic, shall comply with subsection (r)(4) of this Section and shall be mounted no more than 44 in. (1120 mm) above the finish floor. (ADAAG 4.18.4)

- 7) Lavatories and Mirrors. If lavatories and mirrors are provided, then at least one of each shall comply with the following requirements:

- A) General. The requirements of this subsection shall apply to lavatory fixtures, vanities, and built-in lavatories. (ADAAG 4.19.1)
- B) Height and Clearances. Lavatories shall be mounted with the rim or counter surface no higher than 34 in. (865 mm) above the finish floor. Provide a clearance of at least 29 in. (735 mm) above the finish floor to the bottom of the apron. Knee and toe clearance shall comply with Illustration B, Fig. 31. (ADAAG 4.19.2)
- C) Clear Floor Space. A clear floor space 30 in. by 48 in. (760 mm by 1220 mm) complying with Section 400.220(d) shall be provided in front of a lavatory to allow forward approach. Such clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of 19 in. (485 mm) underneath the lavatory (see Illustration B, Fig. 32). (ADAAG 4.19.3)
- D) Exposed Pipes and Surfaces. Hot water and drain pipes under lavatories shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories. (ADAAG 4.19.4)
- E) Faucets. Faucets shall comply with subsection (r)(4) of this Section. Lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs. If self-closing valves are used the faucet shall remain open for at least 10 seconds. (ADAAG 4.19.5)
- F) Mirrors. Mirrors shall be mounted with the bottom edge of

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the reflecting surface no higher than 40 in. (1015 mm) above the finish floor (see Illustration B, Fig. 31). (ADAAG 4.19.6)

- 8) Controls and Dispensers. If controls, dispensers, receptacles, or other equipment are provided, then at least one of each shall be on an accessible route and shall comply with subsection (r) of this Section. (ADAAG 4.22.7)

- 9) Excess Toilet Rooms. When toilet rooms are provided in excess of the number required by the Illinois Plumbing Code, at least one fixture of each type (excluding urinals) in each restroom shall be accessible. If toilet stalls are provided, the "alternate stall," as depicted in Illustration B, Fig. 30(b), is acceptable.

- 10) Private Use Toilet Rooms. When toilet rooms are provided for the use of occupants of specific spaces (i.e., a private toilet room for the occupants of a private office) such spaces shall be adaptable. (ADAAG 4.1.3(11))

- 11) Small Toilet Rooms. If the required toilet room contains only one water closet and one lavatory, a toilet stall is not required; however the room itself shall comply with subsection (n)(3)-(8) of this Section and shall be on an accessible route.

- 12) Unisex Toilet Rooms. Unisex accessible toilet rooms are permitted in new buildings only in locations as provided in the Illinois Plumbing Code and where the toilet fixtures are provided in excess of the minimum number of fixtures required by that Code. All unisex facilities shall be accessible and shall meet all space and access requirements of subsection (n) of this Section. For treatment of unisex toilet rooms in alterations, see Section 400.510(e)(1)(A).

- 13) Signage. All public toilet rooms shall be appropriately identified with signage complying with subsection (u) of this Section and the international symbol of accessibility as shown in Illustration B, Fig. 43(a) and (b).

- 14) Water Temperature. The temperature of the hot water at the outlets for lavatories shall not exceed 110 degrees.

o) Bathrooms, Bathing Facilities and Shower Rooms

- 1) General. If bathrooms, bathing facilities or shower rooms are provided on a site, at least one for each sex shall be on an accessible route and shall comply with the requirements below. Bathrooms, bathing facilities and shower rooms provided in conjunction with individual accessible transient lodging units or dwelling units shall meet the accessibility requirements of Section 400.320(e) or (g) or Section 400.350.

- 2) Doors. Doors to accessible bathrooms shall comply with subsection (j) of this Section. Doors shall not swing into the floor space required for any fixture. (ADAAG 4.23.2)

- 3) Clear Floor Space. The accessible fixtures and controls required in subsection (o)(4)-(9) of this Section below shall be on an accessible route. An unobstructed turning space complying with

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Section 400.220(c) shall be provided within an accessible bathroom. The clear floor spaces at fixtures and controls, the accessible route, and the turning space may overlap. (ADAAG 4.23.3)

- 4) Water Closets. If toilet stalls are provided, then at least one shall be a standard toilet stall complying with subsection (n)(5)(A) of this Section; where 6 or more stalls are provided, in addition to the stall complying with subsection (n)(5)(A)(ii) of this Section, at least one stall 36 in. (915 mm) wide with an outward swinging, self-closing door and parallel grab bars complying with Illustration B, Fig. 30(d) and subsection (q) of this Section shall be provided. Water closets in such stalls shall comply with subsection (n)(5)(B) of this Section. If water closets are not in stalls, then at least one shall comply with subsection (n)(5)(B) of this Section. (ADAAG 4.23.4)
- 5) Urinals. If urinals are provided, then at least one shall comply with subsection (n)(6) of this Section. (ADAAG 4.23.5)
- 6) Lavatories and Mirrors. If lavatories and mirrors are provided, then at least one of each shall comply with subsection (n)(7) of this Section. (ADAAG 4.23.6)
- 7) Controls and Dispensers. If controls, dispensers, receptacles, or other equipment are provided, then at least one of each shall be on an accessible route and shall comply with subsection (r) of this Section. (ADAAG 4.3.23.7)
- 8) Bathing and Shower Facilities. If tubs or showers are provided, then at least one accessible tub that complies with subsection (n)(8)(A) of this Section or at least one accessible shower that complies with subsection (n)(8)(B) of this Section shall be provided. (ADAAG 4.23.8)

A) Bathtubs

- i) Floor Space. Clear floor space in front of bathtubs shall be as shown in Illustration B, Fig. 33. (ADAAG 4.20.2)
- ii) Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Illustration B, Fig. 33 and 34. The structural strength of seats and their attachments shall comply with Section 400.310(q)(3). Seats shall be mounted securely and shall not slip during use. (ADAAG 4.20.3)
- iii) Grab Bars. Grab bars complying with Section 400.310(q) shall be provided as shown in Illustration B, Fig. 33 and 34. (ADAAG 4.20.4)
- iv) Controls. Faucets and other controls complying with Section 400.310(r)(4) shall be located as shown in Illustration B, Fig. 34. (ADAAG 4.20.5)
- v) Shower Unit. A shower spray unit with a hose at least 60 in. (1525 mm) long that can be used both as a fixed shower head and as a hand-held shower shall be

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- vi) Bathtub Enclosures. If provided, enclosures for bathtubs shall not obstruct controls or transfer from wheelchairs onto bathtub seats or into tubs. Enclosures on bathtubs shall not have tracks mounted on their rims. (ADAAG 4.20.7)

B) Shower Stalls

- i) Size and Clearances. Except as specified in Section 400.320(g)(2)(B), shower stall size and clear floor space shall comply with Illustration B, Fig. 35(a) or (b). The shower stall in Illustration B, Fig. 35(a) shall be 36 in. by 36 in. (915 mm by 915 mm). Shower stalls required by Section 400.320(g)(2)(B) shall comply with Illustration B, Fig. 57(a) or (b). The shower stall in Illustration B, Fig. 35(b) will fit into the space required for a bathtub. (ADAAG 4.21.2)
- ii) Seat. A seat shall be provided in shower stalls 36 in. by 36 in. (915 mm by 915 mm) and shall be as shown in Illustration B, Fig. 36. The seat shall be mounted 17 in. to 19 in. (430 mm to 485 mm) from the bathroom floor and shall extend the full depth of the stall. In a 36 in. by 36 in. (915 mm by 915 mm) shower stall, the seat shall be on the wall opposite the controls. Where a fixed seat is provided in a 30 in. by 60 in. minimum (760 mm by 1525 mm) shower stall, it shall be a folding type and shall be mounted on the wall adjacent to the controls as shown in Illustration B, Fig. 57. The structural strength of seats and their attachments shall comply with subsection (q)(3) of this Section. (ADAAG 4.21.3)
- iii) Grab Bars. Grab bars complying with subsection (q) of this Section shall be provided as shown in Illustration B, Fig. 37. (ADAAG 4.21.4)
- iv) Controls. Faucets and other controls complying with subsection (r)(4) of this Section shall be located as shown in Illustration B, Fig. 37. In shower stalls 36 in. by 36 in. (915 mm by 915 mm), all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat. (ADAAG 4.21.5)
- v) Shower Unit. A shower spray unit with a hose at least 60 in. (1525 mm) long that can be used both as a fixed shower head and as a hand-held shower shall be provided.
EXCEPTION: In unmonitored facilities where vandalism is a consideration, a fixed shower head mounted at 48 in. (1220 mm) above the shower floor may be used in lieu of a hand-held shower head. (ADAAG 4.21.6)
- vi) Curbs. If provided, curbs in shower stalls 36 in. by

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36 in. (915 mm by 915 mm) shall be no higher than 80 in. (13 mm). Shower stalls that are 30 in. by 60 in. (760 mm by 1525 mm) minimum shall not have curbs. (ADAAG 4.21.7)

- vii) Shower Enclosures. If provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats. (ADAAG 4.21.8)

- 9) Medicine Cabinets. If medicine cabinets are provided, at least one shall be located with a usable shelf no higher than 44 in. (1120 mm) above the floor space. The floor space shall comply with Section 400.220(d). (ADAAG 4.23.9)

- 10) Water Temperature. The temperature of the hot water at the outlets for lavatories, bathtubs, and showers shall not exceed 110 degrees.

- 11) Portable Toilets. For single user portable toilets clustered at a single location, at least five percent, but no less than one toilet unit complying with subsection (n) or (o) of this Section shall be installed at each cluster whenever typical inaccessible units are provided. Accessible units shall be identified by the international symbol of accessibility. EXCEPTION: Portable toilet units at construction sites used exclusively by construction personnel are not required to comply with this section.

p) Storage

- 1) General. If fixed or built-in personal storage facilities such as cabinets, shelves, closets and drawers are provided in accessible spaces, at least five percent of each type or at least one of each type provided shall comply with the requirements below. Additional storage may be provided outside of these dimensions. (ADAAG 4.1.3(12)(a))

- 2) Clear Floor Space. A clear floor space at least 30 in. by 48 in. (760 mm by 1220 mm) complying with Section 400.220(d) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at accessible storage facilities. (ADAAG 4.25.2)

- 3) Height. Accessible storage spaces shall be within at least one of the reach ranges specified in Section 400.220(e) and (f) (see Illustration B, Fig. 5 and Illustration B, Fig. 6). Clothes rods or shelves shall be a maximum of 54 in. (1370 mm) above the finish floor for a side approach. Where the distance from the wheelchair to the clothes rod or shelf exceeds 10 in. (255 mm) (as in closets without accessible doors) the height and depth to the rod or shelf shall comply with Illustration B, Fig. 38(a) and Illustration B, Fig. 38(b). (ADAAG 4.25.3)

- 4) Hardware. Hardware for accessible storage facilities shall comply with subsection (r)(4) of this Section. Touch latches and U-shaped pulls are acceptable. (ADAAG 4.25.4)

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- 5) Exception. Archival storage areas are exempt from accessibility by this Code.

- 6) Business Use. Shelves or display units allowing self-service by customers in mercantile and business areas shall be located on an accessible route complying with subsection (a) of this Section. Requirements for accessible reach range do not apply. (ADAAG 4.1.3(12)(B))

q) Handrails, Grab Bars, and Tub and Shower Seats

- 1) General. All handrails, grab bars, and tub and shower seats required to be accessible shall comply with the following: (ADAAG 4.26.1)

- 2) Size and Spacing of Grab Bars and Handrails. The diameter or width of the gripping surfaces of a handrail or grab bar shall be 1-1/4 in. to 1-1/2 in. (32 mm to 38 mm), or the shape shall provide an equivalent gripping surface. If handrails or grab bars are mounted adjacent to a wall, the space between the wall and the grab bar shall be 1-1/2 in. (38 mm) (see Illustration B, Fig. 39(a), (b), (c), and (e)). Handrails may be located in a recess if the recess is a maximum of 3 in. (75 mm) deep and extends at least 18 in. (455 mm) above the top of the rail (see Illustration B, Fig. 39(d)). (ADAAG 4.26.2)

- 3) Structural Strength. The structural strength of grab bars, tub and shower seats, fasteners, and mounting devices shall meet the following specifications:

- A) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 250 lbf (1112N) shall be less than the allowable stress for the material of the grab bar or seat.

- B) Shear stress induced in a grab bar or seat by the application of 250 lbf (1112N) shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

- C) Shear force induced in a fastener or mounting device from the application of 250 lbf (1112N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

- D) Tensile force induced in a fastener by a direct tension force of 250 lbf (1112N) plus the maximum moment from the application of 250 lbf (1112N) shall be less than the allowable withdrawal load between the fastener and the supporting structure.

- E) Grab bars shall not rotate within their fittings. (ADAAG 4.26.3)

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- 4) Eliminating Hazards. A handrail or grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of 1/8 in. (3.2 mm). (ADAAG 4.26.4)

r) Controls and Operating Mechanisms

- 1) General. Where controls and operating mechanisms are provided in accessible spaces, along accessible routes or as parts of accessible elements (for example, light switches and dispenser controls), operable parts and controls shall comply with the following: (ADAAG 4.1.3(13))

- 2) Clear Floor Space. Clear floor space complying with Section 400.220(d) that allows a forward or a parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment. (ADAAG 4.27.2)

- 3) Height. The highest operable part of controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in Section 400.220(e) and (f). Electrical and communications system receptacles on walls shall be mounted no less than 15 in. (380 mm) above the floor.

EXCEPTION: These requirements do not apply where the use of special equipment dictates otherwise or where electrical and communications systems receptacles are not normally intended for use by building occupants. (ADAAG 4.27.3)

- 4) Operation. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N). (ADAAG 4.27.4)

s) Alarms

- 1) General. Where emergency warning systems or alarms are provided or required by an applicable state or local building code, life safety code or fire protection regulation, such systems shall comply with the requirements below and shall be both audible and visual. Visual alarms shall be arranged so the flashing light beam can be seen at the required level of intensity from all common use areas. At a minimum, visual signal appliances shall be provided in buildings and facilities in each of the following areas: restrooms and any other general usage areas (e.g., meeting rooms), hallways, lobbies, and any other area for common use. (ADAAG 4.28.1)

- 2) Audible Alarms. If provided, audible emergency alarms shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by at least 15 dBA or exceeds any maximum sound level with a duration of 60 seconds by 5 dBA, whichever is louder. Sound levels for alarm signals shall not exceed 120 dBA. (ADAAG 4.28.2)

- 3) Visual Alarms. Visual alarm signal appliances shall be

integrated into the building or facility alarm system. If single station audible alarms are provided then single station visual alarm signals shall be provided. Visual alarm signals shall comply with the requirements of U.S. Architectural and Transportation Barriers Compliance Board Bulletin #2: Visual Alarms.

- 4) Auxiliary Alarms. Units and sleeping accommodations shall have a visual alarm connected to the building emergency alarm system or shall have a standard 110-volt electrical receptacle into which such an alarm can be connected and a means by which a signal from the building emergency alarm system can trigger such an auxiliary alarm. When visual alarms are in place the signal shall be visible in all areas of the unit or room. Instructions for use of the auxiliary alarm or receptacle shall be provided. (ADAAG 4.28.4)

t) Detectable Warnings

Detectable warnings shall be provided as follows:

- 1) Detectable Warnings on Walking Surfaces. Detectable warning features on walking surfaces shall consist of exposed aggregate concrete, cushioned surfaces made of rubber or plastic, raised strips, or grooves. Features shall contrast with that of the surrounding surface. Raised strips or grooves shall comply with Illustration B, Fig. 40.

- 2) Tactile Warnings on Doors to Hazardous Areas. Doors that lead to areas that might prove dangerous to a person who is visually impaired (for example, doors to loading platforms, boiler rooms, stages, etc.) shall be made identifiable to the touch by a textured surface on the door handle, knob, pull, or other operating hardware. This textured surface may be made by knurling or roughening or by a material applied to the contact surface. Such textured surfaces shall not be provided for emergency exit doors or any doors other than those to hazardous areas. See definition of "Hazardous Area".

- 3) Detectable Warnings at Stairs. All stairs, except those in dwelling units, in enclosed stair towers, or set to the side of the path of travel shall have a detectable warning at the top of the stair runs (see Illustration B, Fig. 41).

- 4) Detectable Warnings at Hazardous Vehicular Areas. If a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings, or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by a continuous, detectable warning texture, which is 36 in. (915 mm) wide, complying with subsection (t)(1) of this Section. (ADAAG 4.29.5)

- 5) Detectable Warnings at Reflecting Pools. The edges of reflecting pools shall be protected by railings, walls, curbs, or detectable warnings complying with subsection (t)(1) of this Section. (ADAAG 4.29.6)

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- 6) Standardization. Textured surfaces for detectable warnings shall be standard within a building, facility, site, or complex of buildings.

u) Signage
Accessible signage shall comply with the following applicable provisions:

- 1) Character Proportion. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10. (ADAAG 4.30.2)
- 2) Character Height. Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an upper case X. Lower case characters are permitted. Height Above Finished Floor Minimum Character Height Suspended or Projected Overhead in 3 in. (75 mm) minimum compliance with subsection (a)(4) of this Section (ADAAG 4.30.3)
- 3) Raised and Brailled Characters and Pictorial Symbol Signs (Pictograms). Letters and numerals shall be raised 1/32 in. upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille. Raised characters shall be at least 5/8 in. (16 mm) high, but no higher than 2 in. (50 mm). Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be 6 in. (152 mm) minimum in height. (ADAAG 4.30.4)
- 4) Finish and Contrast. The characters and background of signs shall be eggshell, matte, or other non-glare finish. Characters and symbols shall contrast with their background - either light characters on a dark background or dark characters on a light background. (ADAAG 4.30.5)
- 5) Mounting Location and Height. Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door. Where there is no wall space to the latch side of the door, including at double leaf doors, signs shall be placed on the nearest adjacent wall. Mounting height shall be 60 in. (1525 mm) above the finish floor to the centerline of the sign. Mounting location for such signage shall be so that a person may approach within 3 in. (76 mm) of signage without encountering protruding objects or standing within the swing of a door. (ADAAG 4.30.6)
- 6) Symbols of Accessibility.
 - A) Facilities and elements required to be identified as accessible by this Code shall use the international symbol of accessibility. The symbol shall be displayed as shown in Illustration B, Fig. 43(a) and (b).
 - B) Volume Control Telephones. Telephones required to have a volume control by subsection (v)(5) of this Section shall be

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identified by a sign containing a depiction of a telephone handset with radiating sound waves.

C) Text Telephones. Text telephones required by subsection (v)(9) of this Section shall be identified by the international TDD symbol (Illustration B, Fig. 43(c)). In addition, if a facility has a public text telephone, directional signage indicating the location of the nearest text telephone shall be placed adjacent to all banks of telephones which do not contain a text telephone. Such directional signage shall include the international TDD symbol. If a facility has no banks of telephones, the directional signage shall be provided at the entrance (e.g., in a building directory).

- D) Assistive Listening Systems. In assembly areas where permanently installed assistive listening systems are required by Section 400.320(a)(6) the availability of such systems shall be identified with signage that includes the international symbol of access for hearing loss (Illustration B, Fig. 43(d)). (ADAAG 4.30.7)
- 7) Illumination Levels. (Reserved). (ADAAG 4.30.8)
- 8) Signage for Particular Elements or Spaces. Elements and spaces of accessible facilities which shall be identified by the international symbol of accessibility and which shall comply with subsection (u)(6)(A) of this Section are:
 - A) Parking spaces designated as reserved for individuals with disabilities (see subsection (c)(7) of this Section);
 - B) Accessible passenger loading zones;
 - C) Accessible entrances when not all are accessible (inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance);
 - D) Accessible toilet rooms, bathing facilities, and shower facilities when not all are accessible (inaccessible facilities shall have directional signage to indicate the route to the nearest accessible toilet room, bathing or shower facilities).
- 9) Directional or Informational Signage. Signs which provide direction to or information about functional spaces of the building shall comply with subsection (u)(1), (2) and (4) of this Section. (ADAAG 4.1.3(16)(b)) Where such signage conveys emergency information, it shall also have tactile characters or symbols.
- 10) Permanent Room Signage. Signs which designate permanent rooms and spaces shall comply with subsection (u)(3), (4) and (5) of this Section. (ADAAG 4.1.3(16)(a))
- 11) TDD Signage. Signs identifying "TDD Access" as required by subsection (u)(6) of this Section shall be provided. Signage shall comply with subsection (u)(6) of this Section but need not be tactile. Signage shall be mounted 54 in. (1370 mm) to 60 in.

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- (1525 mm) above the floor.
- 12) Other Signage. Where other graphics or signage is provided, it shall comply with subsection (u)(1)-(6) of this Section, but need not have tactile characters or symbols. EXCEPTION: Building directories, menus and all other signs which are temporary are not required to comply. (ADAAG 4.1.3(16))

v) Telephones

- 1) General. If public pay telephones, public closed-circuit telephones, or other public telephones are provided, then such telephones shall comply with the requirements of subsection (v)(2)-(8) of this Section to the extent required by the following table:

NUMBER OF EACH TYPE OF TELEPHONE PROVIDED ON EACH FLOOR	NUMBER OF TELEPHONES REQUIRED TO COMPLY WITH SECTION 400.310(V)(2) THROUGH (8)(1)
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One or more single unit

One per floor

One bank(2)

One per floor

Two or more banks(2)

installed as a single unit may be (either visual or with signage) to bank. At least one public telephone per floor shall meet the requirements of a forward reach telephone.(3)

- (1) Additional public telephones may be installed at any height. Unless otherwise specified, accessible telephones may be either forward or side reach telephones.

(2) A bank consists of two or more adjacent public telephones, often installed as a unit.

(3) EXCEPTION: For exterior installations only, if dial tone first service is available, then a side reach telephone may be installed instead of the required forward reach telephone (i.e., one telephone in proximity to each bank shall comply with subsection (v) of this Section). (ADAAG 4.1.3(17)(a))

- 2) Clear Floor or Ground Space. A clear floor or ground space at least 30 in. by 48 in. (760 mm by 1220 mm) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at telephones (see Fig. 44). The clear floor or ground space shall comply with Section 400.220(d). Bases, enclosures, and fixed seats shall not impede approaches to telephones by people who use wheelchairs. (ADAAG 4.31.2)

- 3) Mounting Height. The highest operable part of the telephone shall be within the reach ranges specified in Section 400.220(e) or (f). (ADAAG 4.31.3)

- 4) Protruding Objects. Telephones shall comply with subsections

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- (a)(4) and (10) of this Section. (ADAAG 4.31.4)
- 5) Hearing Aid Compatible and Volume Control Telephone Requirements.

A) Telephones shall be hearing aid compatible.

B) All telephones required to be accessible shall be equipped with a volume control. Volume controls, capable of a minimum of 12 dbA and a maximum of 18 dbA above normal, shall be provided. If an automatic reset is provided then 18 dbA may be exceeded. In addition, 25 percent, but never less than one, of all other public telephones provided shall be equipped with a volume control and shall be disbursed among all types of public telephones, including closed-circuit telephones, throughout the building or facility. Volume control telephone signage complying with the applicable provisions of subsection (u)(6) of this Section shall be provided. (ADAAG 4.1.3(17)(b) and 4.31.5)

- 6) Controls. Telephones shall have pushbutton controls where service for such equipment is available. (ADAAG 4.31.6)

7) Telephone Books. Telephone books, if provided, shall be located in a position that complies with the reach ranges specified in Section 400.220(e) and (f). (ADAAG 4.31.7)

8) Cord Length. The cord from the telephone to the handset shall be at least 29 in. (735 mm) long. (ADAAG 4.31.8)

9) Text Telephone Requirements. The following text telephones or other equipment shall be provided and each such location shall be identified with signage complying with the applicable provisions of subsection (u)(6) of this Section and Figure 43.

- A) If a total number of four or more public pay telephones (including both interior and exterior telephones) is provided at a site, and at least one is in an interior location, then at least one interior public text telephone shall be provided.

B) If an interior public pay telephone is provided in a stadium or arena, in a convention center, in a hotel with a convention center or in a covered mall, at least one interior public text telephone shall be provided in the facility.

C) If a public pay telephone is located in or adjacent to a hospital emergency room, hospital recovery room, or hospital waiting room, one public text telephone shall be provided at each such location.

D) Where a bank of telephones in the interior of a building consists of three or more public pay telephones, at least one public pay telephone in each such bank shall be equipped with a shelf and outlet in compliance with subsection (v)(9)(f) of this Section.

E) Text telephones used with a pay telephone shall be permanently affixed within, or adjacent to, the telephone enclosure. If an acoustic coupler is used, the telephone

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cord shall be sufficiently long to allow connection of the text telephone and the telephone receiver.

- F) Pay telephones designed to accommodate a portable text telephone shall be equipped with a shelf and an electrical outlet within or adjacent to the telephone enclosure. The telephone handset shall be capable of being placed flush on the surface of the shelf. The shelf shall be capable of accommodating a text telephone and shall have 6 in. (152 mm) minimum vertical clearance in the area where the text telephone is to be placed.

- G) Equivalent facilitation may be provided. For example, a portable text telephone may be made available in a hotel at the registration desk if it is available on a 24-hour basis for use with nearby public pay telephones. In this instance, at least one pay telephone shall comply with paragraph 2 of this section. In addition, if an acoustic coupler is used, the telephone handset cord shall be sufficiently long so as to allow connection of the text telephone and the telephone receiver. Directional signage shall be provided and shall comply with subsection (u)(6) of this Section. (ADAAG 4.1.3(17)(c))

w) Fixed or Built-in Seating, Tables and Work Surfaces

- 1) General. If fixed or built-in seating or tables (including, but not limited to, study carrels and student laboratory stations), are provided in accessible public or common use areas, at least five percent (5%), but not less than one, of the fixed or built-in seating areas or tables shall comply with this Section. An accessible route shall lead to and through such fixed or built-in seating areas or tables. (ADAAG 4.1.3(18))

- 2) Seating. If seating spaces for people in wheelchairs are provided at fixed tables or counters, clear floor space complying with Section 400.220(d) shall be provided. Such clear floor space shall not overlap knee space by more than 19 in. (485 mm) (see Illustration B, Fig. 45). (ADAAG 4.32.2)

- 3) Knee Clearances. If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 in. (685 mm) high, 30 in. (760 mm) wide, and 19 in. (485 mm) deep shall be provided (see Illustration B, Fig. 45). (ADAAG 4.32.3)

- 4) Height of Tables or Counters. The tops of accessible tables and counters shall be from 28 in. to 34 in. (710 mm to 865 mm) above the finish floor or ground. (ADAAG 4.32.4)

- 5) Auxiliary Counters. Where service counters exceeding 34 in. (865 mm) in height are provided as standing counters, an auxiliary surface counter or other space suitable for the business transaction by an environmentally limited person shall be provided in the immediate vicinity and provide the same services. The auxiliary counter-top shall comply with subsection (w) of this Section.

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Section 400.320 Additional Requirements for Specific Facility Types

All public facilities are subject to Section 400.310(a)-(w) inclusively and to the following additional requirements as appropriate to the facility type.

a) Auditorium and Assembly Areas

1) General.

- A) In places of assembly with fixed seating, accessible wheelchair locations shall comply with the requirements of subsection (a)(2)-(4) of this Section below, and shall be provided in the following minimum quantities: (ADAAG 4.1.3(19)(a))

NUMBER OF FIXED SEATS	NUMBER OF REQUIRED WHEELCHAIR SEATING LOCATIONS
1-25	1
26-50	2 together
51-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total number
Over 1000	20 plus 1 for each 100 over 1000

Note: For seating 51 and over, arrange wheelchair locations in pairs insofar as possible.

- B) In addition, one percent, but not less than one, of all fixed seats shall be aisle seats with no armrests on the aisle side, or removable or folding armrests on the aisle side. Each such seat shall be identified by a sign or marker. Signage notifying patrons of the availability of such seats shall be posted at the ticket office. Aisle seats are not required to comply with subsection (a)(4) of this Section. (ADAAG 4.1.3(19)(a))

- 2) Size of Wheelchair Locations. Each wheelchair location shall provide minimum clear ground or floor spaces as shown in Illustration B, Fig. 46. (ADAAG 4.33.2)

- 3) Placement of Wheelchair Locations. Wheelchair areas shall be an integral part of any fixed seating plan and shall be provided so as to provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. They shall adjoin an accessible route that also serves as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seating area. Readily removable seats may be installed in wheelchair spaces when the spaces are not required

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to accommodate wheelchair users.

EXCEPTION: Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress. (Excerpt from ADAAG 4.33.3).

- 4) Surfaces. The ground or floor at wheelchair locations shall be level and shall comply with Section 400.310(a)(5), (7), (11) and (12). (ADAAG 4.33.4)

- 5) Access to Performing Areas. An accessible route shall connect wheelchair seating locations with performing areas, including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers. (ADAAG 4.33.5)

- 6) Listening Systems. Listening systems conforming with subsection (a)(7)-(8) of this Section are required. The minimum number of receivers to be provided shall be equal to 4 percent of the total number of seats, but in no case less than 2. Signage complying with the applicable provisions of Section 400.310(u) and utilizing Illustration B, Fig. 43(d) (International Symbol of Access for Hearing Loss), shall be installed to notify patrons of the availability of a listening system. (ADAAG 4.1.3(19)(b))

- 7) Placement of Listening Systems. If the listening system provided serves individual fixed seats, then such seats shall be located within a 50 ft (15 m) viewing distance of the stage or playing area. (ADAAG 4.33.6)

- 8) Types of Listening Systems. Assistive listening systems (ALS) are intended to augment standard public address and audio systems by providing signals which can be received directly by persons with special receivers or their own hearing aids and which eliminate or filter background noise. The type of assistive listening system appropriate for a particular application depends on the characteristics of the setting, the nature of the program, and the intended audience. Magnetic induction loops, infra-red and radio frequency systems are types of listening systems which are appropriate for various applications. (ADAAG 4.33.7)

b) Automated Teller Machines (ATMs)

- 1) General. Where ATMs are provided, each ATM shall be on an accessible route and shall comply with the following requirements, except where 2 or more are provided at a location; then only one must comply. (ADAAG 4.1.3(20); 4.34.1)

- 2) Controls. Controls for user activation shall comply with the requirements of Section 400.310(r). (ADAAG 4.34.2)

- 3) Clearances and Reach Range. Free standing or built-in units not having a clear space under them shall comply with Section 400.310(r)(2) and (3) and provide for a parallel approach and both a forward and side reach to the unit allowing a person in a wheelchair to access the controls and dispensers. (ADAAG 4.34.3)

- 4) Equipment for Persons with Vision Impairments. Instructions and

all information for use shall be made accessible to and independently usable by persons with vision impairments. (ADAAG 4.34.4)

- 5) EXCEPTION: Drive-up only ATMs are not required to comply with Section 400.310(r)(2) and (3) and subsection (b)(3) of this Section. (ADAAG 4.1.3(20))

c) Dressing and Fitting Rooms

- 1) General. Where dressing rooms and fitting rooms are provided for use by the general public, patients, customers or employees, five percent, but never less than one, of dressing rooms for each type of use in each cluster of dressing rooms shall be accessible, shall be on an accessible route, and shall comply with the requirements of subsections (2)-(5), below. Examples of types of dressing rooms are those serving different genders or distinct and different functions as in different treatment or examination facilities. (ADAAG 4.1.3(21); 4.35.1)

- 2) Clear Floor Space. A clear floor space allowing a person using a wheelchair to make a 180 degree turn shall be provided in every accessible dressing room entered through a swinging or sliding door. No door shall swing into any part of the turning space. Turning space shall not be required in a private dressing room entered through a curtained opening at least 32 in. (815 mm) wide if clear floor space complying with Section 400.220 renders the dressing room usable by a person using a wheelchair. (ADAAG 4.35.2)

- 3) Doors. All doors to accessible dressing rooms shall be in compliance with Section 400.310(j). (ADAAG 4.35.3)

- 4) Bench. Every accessible dressing room shall have a 24 in. by 48 in. (610 mm by 1220 mm) bench fixed to the wall along the longer dimension. The bench shall be mounted 17 in. to 19 in. (430 mm to 485 mm) above the finish floor. Clear floor space shall be provided alongside the bench to allow a person using a wheelchair to make a parallel transfer onto the bench. The structural strength of the bench and attachments shall comply with Section 400.310(q)(3). Where installed in conjunction with showers, swimming pools, or other wet locations, water shall not accumulate upon the surface of the bench and the bench shall have a slip-resistant surface. (ADAAG 4.35.4)

- 5) Mirror. Where mirrors are provided in dressing rooms of the same use, then in an accessible dressing room, a full-length mirror, measuring at least 18 in. wide by 54 in. high (460 mm by 1370 mm) shall be mounted in a position affording a view to a person on the bench as well as to a person in a standing position. (ADAAG 4.35.5)

d) Medical Care Facilities

- 1) General. Medical care facilities included in this Section are outpatient facilities and those in which people receive physical or medical treatment or care and where persons may need

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assistance in responding to an emergency and where the period of stay may exceed 24 hours. In addition to the requirements of Section 400.310(a)-(w), medical care facilities and buildings shall comply with the following requirements: (ADAAG 6.1)

- A) Hospitals, including general purpose hospitals, psychiatric facilities and detoxification facilities. At least 10 percent of patient bedrooms and toilets, and all public use, common use and employee use areas are required to be designed and constructed to be accessible. (ADAAG 6.1(1))
 - B) Hospitals and rehabilitation facilities that specialize in treating conditions that affect mobility, or units within either that specialize in treating conditions that affect mobility. All patient bedrooms and toilets, and all public use, common use and employee use areas are required to be designed and constructed to be accessible. (ADAAG 6.1(2))
 - C) Long term care facilities and nursing homes. At least 50 percent of patient bedrooms and toilets, and all public use, common use and employee use areas are required to be designed and constructed to be accessible. (ADAAG 6.1(3))
 - D) Alterations to patient bedrooms. (See Section 400.510(e)(5).)
 - E) Outpatient facilities. All public use, common use and employee use areas are required to be designed and constructed to be accessible. If the facility has patient bedrooms and toilets, at least 10% must be accessible.
- 2) Entrances. At least one accessible entrance that complies with Section 400.310(k) shall be protected from the weather by canopy or roof overhang. Such entrances shall incorporate a passenger loading zone that complies with Section 400.310(c)(5). (ADAAG 6.2)
- 3) Patient Bedrooms. Accessible patient bedrooms shall be provided in compliance with Section 400.310(a)-(w). Accessible patient bedrooms shall also comply with the following:

- A) Each bedroom shall have a door that complies with Section 400.310(j).
EXCEPTION: Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirements in Section 400.310(j)(5) for maneuvering space at the latch side of the door if the door is at least 44 in. (1120 mm) wide.
- B) Each bedroom shall have adequate space to provide a maneuvering space that complies with Section 400.220(c). In rooms with 2 beds, it is preferable that this space be located between beds.
- C) Each bedroom shall have adequate space to provide a minimum clear floor space of 36 in. (915 mm) along each side of the bed and to provide an accessible route complying with Section 400.310(a)(2) to each side of each bed. (ADAAG 6.3)

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- 4) Patient Toilet Rooms. Where toilet/bath rooms are provided as a part of a patient bedroom, each patient bedroom that is required to be accessible shall have an accessible toilet/bath room that complies with Section 400.310(n) or (o) and shall be on an accessible route. (ADAAG 6.4)
- e) Housing Owned or Financed by a Governmental Unit
Housing units owned or financed by a governmental unit which consist of five or more dwelling units on each project site, shall comply with all requirements of Multi-Story Housing. (See Section 400.350.)
- f) Libraries
The design of all public areas of a library shall comply with the following requirements, including reading and study areas, stacks, reference rooms, reserve areas, and special facilities or collections. (ADAAG 8.1)

- 1) Reading and Study Areas. At least five percent or a minimum of one of each element of fixed seating, tables, or study carrels shall comply with Section 400.220 and Section 400.310(w). Clearances between fixed accessible tables and between study carrels shall comply with Section 400.310(a)(2). (ADAAG 8.2)
- 2) Service Counters. Where service counters exceeding 34 in. (865 mm) in height are provided as standing counters, an auxiliary service counter or other space suitable for the business transaction by an environmentally limited person, shall be provided in the immediate vicinity and provide the same services. The auxiliary counter top shall comply with Section 400.310(w).
- 3) Check-Out Areas. At least one lane at each check-out area shall comply with subsection (h)(1)(A) of this Section. All traffic control or book security gates or turnstiles shall comply with Section 400.310(j). (ADAAG 8.3)
- 4) Card Catalogs, Magazine Displays and Reference Materials. Minimum clear aisle space at card catalogs, magazine displays and reference materials shall be 36 in. (915 mm) as shown in Illustration B, Fig. 55. Maximum reach height shall comply with Section 400.220, with a height of 48 in. (1220 mm) preferred irrespective of approach allowed. (ADAAG 8.4)
- 5) Stacks. Minimum clear aisle width between stacks shall comply with Section 400.310(a)(2), with a minimum clear aisle width of 42 in. (1065 mm) preferred where possible. Shelf height in stack areas is unrestricted (see Illustration B, Fig. 56). (ADAAG 8.5)
- g) Accessible Transient Lodging
 - 1) General. All common areas, common use spaces, and public use spaces shall be accessible and shall comply with Section 400.310(a)-(w). At least one of each type of amenity (such as washers, dryers and similar equipment installed for the use of occupants) in each common area shall be accessible and shall be located on an accessible route to any accessible unit or sleeping accommodation. (ADAAG 9.5.1)
 - 2) Number of Accessible Lodging Units.

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- A) Five percent of the total number of lodging units with or without bathrooms, or at least one, whichever is greater, shall be accessible.
- B) In places of lodging with 50 or more sleeping rooms or suites, roll-in showers shall be provided in accordance with Section 400.310(o)(8)(B) and Illustration B, Fig. 57(a) or (b) and in conformance with the table below:

Number of Rooms in Lodging Facility	Number of Rooms with Roll-in Showers
51 to 75	1
76 to 100	1
101 to 150	2
151 to 200	2
201 to 300	3
301 to 400	4
401 to 500	4 plus one for each additional 100 over 400

(Excerpt from ADAAG 9.1.2)

- 3) Sleeping Accommodations for Persons with Hearing Impairments. In addition to those accessible sleeping rooms and suites required by subsection (g)(2) of this Section, sleeping rooms and suites that comply with subsection (g)(6) of this Section (Visual Alarms, Notification Devices, and Telephones) shall be provided in conformance with the following table:

Number of Elements	Accessible Elements
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

(ADAAG 9.1.3)

- 4) Classes of Sleeping Accommodations.

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- A) In order to provide persons with disabilities a range of options equivalent to those available to other persons served by the facility, sleeping rooms and suites required to be accessible by subsection (g)(2) of this Section shall be dispersed among the various classes of sleeping accommodations available to patrons of the place of transient lodging. Factors to be considered include room size, cost, amenities provided, and the number of beds provided. (ADAAG 9.1.4(1))
- B) Equivalent Facilitation. For purposes of this Section, it shall be deemed equivalent facilitation if the operator of a facility elects to limit construction of accessible rooms to those intended for multiple occupancy, provided that such rooms are made available at the cost of a single-occupancy room to an individual with disabilities who requires a single-occupancy room. (ADAAG 9.1.4(2))
- 5) Minimum Requirements for Accessible Lodging Units. Accessible lodging units shall comply with the following space requirements:
- A) An accessible lodging unit, sleeping room or suite shall be on an accessible route complying with Section 400.310(a) and have the following accessible elements and spaces. (ADAAG 9.2.2)

- i) Accessible sleeping rooms shall have a 36 in. (915 mm) clear width maneuvering space located along both sides of a bed, except that where two beds are provided, this requirement can be met by providing a 36 in. (915 mm) wide maneuvering space located between the two beds. (ADAAG 9.2.2(1))
- ii) An accessible route complying with Section 400.310(a) shall connect all accessible spaces and elements, including telephones, within the unit, sleeping room, or suite. (Excerpt from ADAAG 9.2.2(2))
- iii) Doors and doorways designed to allow passage into and within all sleeping rooms, suites or other covered units shall comply with Section 400.310(j). (ADAAG 9.2.2(3))
- iv) If fixed or built-in storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, at least one of each type provided shall contain storage space complying with Section 400.310(p). Additional storage may be provided outside of the dimensions required by Section 400.310(p). (ADAAG 9.2.2(4))
- v) All controls in accessible units, sleeping rooms, and suites shall comply with Section 400.310(r). (ADAAG 9.2.2(5))
- vi) Where provided as part of an accessible unit, sleeping room, or suite, the following spaces shall be

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accessible and shall be on an accessible route:

- a) the living area;
 - b) the dining area;
 - c) at least one sleeping area;
 - d) patios, terraces, or balconies.
- EXCEPTION: The requirements of Section 400.310(j)(7) and Section 400.310(a)(7) do not apply where it is necessary to utilize a higher door threshold or a change in level to protect the integrity of the unit from wind/water damage. Where this exception results in patios, terraces or balconies that are not at an accessible level, equivalent facilitation shall be provided (e.g., equivalent facilitation at a hotel patio or balcony might consist of providing raised decking or a ramp to provide accessibility).
- e) at least one full bathroom (i.e., one with a water closet, a lavatory, and a bathtub or shower);
 - f) if only half baths are provided, at least one half bath; and
 - g) carports, garages or parking spaces. (ADAAG 9.2.2(6))

vii) Kitchens, Kitchenettes, or Wet Bars. When provided as accessory to a sleeping room or suite, kitchens, kitchenettes, wet bars, or similar amenities shall be accessible. Clear floor space for a front or parallel approach to cabinets, counters, sinks, and appliances shall be provided to comply with Section 400.220(d). Countertops and sinks shall be mounted at a maximum height of 34 in. (865 mm) above the floor. At least fifty percent of shelf space in cabinets or refrigerator/freezers shall be within the reach ranges of Section 400.220(e) or (f) and space shall be designed to allow for the operation of cabinet and/or appliance doors so that all cabinets and appliances are accessible and usable. Controls and operating mechanisms shall comply with Section 400.310(r). (ADAAG 9.2.2(7))

viii) Sleeping room accommodations for persons with hearing impairments required by subsection (g)(3) of this Section and complying with subsection (g)(6) of this Section shall be provided in the accessible sleeping room or suite. (ADAAG 9.2.2(8))

6) Visual Alarms, Notification Devices and Telephones in Sleeping Rooms.

- A) General. In sleeping rooms required to comply with this Section, auxiliary visual alarms shall be provided and shall comply with Section 400.310(s)(4). Visual notification devices shall also be provided in units, sleeping rooms and suites to alert room occupants of incoming telephone calls and a door knock or bell. Notification devices shall not be connected to auxiliary visual alarm signal appliances. Permanently installed telephones shall have volume controls complying with Section 400.310(v)(5); an accessible electrical outlet within 4 ft (1220 mm) of a telephone connection shall be provided to facilitate the use of a text telephone. (ADAAG 9.3.1)
- B) Equivalent Facilitation. For purposes of this Section, equivalent facilitation shall include the installation of electrical outlets (including outlets connected to a facility's central alarm system) and telephone wiring in sleeping rooms and suites to enable persons with hearing impairments to utilize portable visual alarms and communication devices provided by the operator of the facility. (ADAAG 9.3.2)
- 7) Other Sleeping Rooms and Suites. Doors and doorways designed to allow passage into and within all sleeping units or other covered units shall comply with Section 400.310(j)(4). (ADAAG 9.4)
- 8) Multi-Bed Facilities. In transient lodging facilities with multi-bed rooms or spaces, 5% of the beds shall comply with subsection (g)(5)(A)(i) of this Section.
- 9) Common Use Restrooms. If common use restrooms and shower rooms are provided in lieu of private bathrooms in each accessible lodging unit, such facilities shall be located on an accessible route and the rooms shall comply with the applicable subsections of Sections 400.310(n) and (o).
- 10) Alarms in Common Areas. A permanent audible and visual warning system complying with Section 400.310(s)(2)-(4) shall be provided in all public use and common use areas of lodging buildings.
- h) Business and Mercantile. The design of all areas used for business transactions with the public shall comply with Section 400.310(a)-(w) and the following requirements: (ADAAG 7.1)
 - 1) Sales and Service Counters, Teller Windows, Information Counters.
 - A) In department stores and miscellaneous retail stores where counters have cash registers and are provided for sales or distribution of goods or services to the public, at least one of each type shall have a portion of the counter which is at least 36 in. (915 mm) in length with a maximum height of 34 in. (865 mm) above the finish floor. It shall be on an accessible route complying with Section 400.310(a). The accessible counters must be dispersed throughout the building or facility. (For the treatment of service counters in alterations, see Section 400.510(e)(6)).

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- B) At ticketing counters, teller stations in a bank, registration counters in hotels and motels, box office ticket counters, and other counters that may not have a cash register, but at which goods or services are sold or distributed, either:

- i) a portion of the main counter which is a minimum of 36 in. (865 mm) in length shall be provided with a maximum height of 34 in. (865 mm); or
- ii) an auxiliary counter with a maximum height of 34 in. (865 mm) in close proximity to the main counter shall be provided;

All accessible sales and service counters shall be on an accessible route complying with Section 400.310(a).

- C) Assistive Listening Devices (Reserved). (ADAAG 7.2)

2) Check-out Aisles.

- A) Accessible check-out aisles shall be provided in conformance with the table below:

TOTAL CHECK-OUT AISLES OF EACH DESIGN	MINIMUM NUMBER OF ACCESSIBLE CHECK-OUT AISLES (OF EACH DESIGN)
1-4	1
5-8	2
9-15	3
Over 15	3, plus 20% of additional aisles

EXCEPTION: In new construction, where the selling space is under 5000 square feet, only one check-out aisle is required to be accessible. (For alterations, see Section 400.510(e)(7)).

- B) Clear aisle for accessible check-out aisles shall comply with Section 400.220(a) and maximum adjoining counter height shall not exceed 38 in. (965 mm) above the finish floor. The top of the lip shall not exceed 40 in. (1015 mm) above the finish floor.

- C) Signage identifying accessible check-out aisles shall comply with Section 400.310(u)(6)(A) and shall be mounted above the check-out aisle in the same location where the check-out number or type of check-out is displayed. (ADAAG 7.3)

- 3) Security Bollards. Any device used to prevent the removal of shopping carts from store premises shall not prevent access or egress to environmentally limited persons. An alternate entry that is equally convenient to that provided for the ambulatory population is acceptable. (ADAAG 7.4)

- 4) Shelves and Display Units. Shelves or display units allowing self-service by customers shall be located on an accessible route complying with Section 400.310(a). Requirements for accessible reach range do not apply.

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- 5) Exemption. Product storage areas need not be accessible.
- 1) Museums and Exhibition Areas

- 1) In museums and exhibition areas, every level with displays open to public viewing shall be accessible and shall comply with Section 400.310(a) and (b).

- 2) Displays shall be designed so that they shall be able to be viewed by seated persons and are accessible to persons in wheelchairs.

- 3) In state-owned facilities, audible and visual interpretive information shall be provided for persons with auditory or visual impairments.

- j) Public Facilities Which Primarily Serve Children

The following dimensions and accessories may be adjusted to suit the age of children to be accommodated in the facility.

- 1) Water closets (suggested height - 15 in. (380 mm)).

- 2) Toilet stall grab bars (suggested height - 10 in. (255 mm) above the seat) 36 in. (915 mm) long, extended 18 in. (455 mm) beyond the front edge of the water closet to support a 150 lb. load.

- 3) Lavatory (suggested height - 29 in. (735 mm) from the floor to bottom of apron).

- 4) Controls, receptacles, and dispensers (suggested height - 40 in. (1015 mm) above the finished floor).

- 5) Supplemental handrails (suggested height - 2'0" from center of bar to floor surface) (Note that this does not supersede other Code requirements for guard and handrails at proper heights).

- 6) Drinking fountain spouts (suggested height - 2'6" above finished floor).

- k) Recreational Facilities

- 1) Parking lots, toilets, showers, cabins, campsites, concession stands, craft areas, boat docks and other communal areas shall be accessible and be on an accessible route.

- 2) Five percent or at least two, whichever is the greater, of all camping sites at a facility shall be accessible to people who use wheelchairs by having an accessible parking space and walk which leads to the campsites, restrooms, and fire-pits, where provided. Trails over steep or difficult terrain need not be accessible.

- 3) Swimming pools, beaches, zoos, botanical gardens, amusement parks, fairgrounds, bowling alleys, playgrounds, sports facilities, marinas and other recreational facilities shall be accessible. Where provided, all allied facilities, such as parking, horizontal and vertical circulation, entrances, toilet facilities, changing and shower facilities shall meet the specific requirements of this Code.

- 1) Restaurants and Cafeterias

- 1) General. Except as specified or modified in this Section, restaurants and cafeterias shall comply with the requirements of Section 400.310 (a)-(w). Where fixed tables (or dining counters where food is consumed but there is no service) are provided, at

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least five percent, but not less than one, of the fixed tables (or a portion of the dining counter) shall be accessible and shall comply with Section 400.310(w)(2)-(4). An accessible route shall lead to and through such fixed or built-in seating areas or tables. In establishments where separate areas are designated for smoking and non-smoking patrons, the required number of accessible fixed tables (or counters) shall be proportionally distributed between the smoking and non-smoking areas. In new construction, and where practicable in alterations, accessible fixed tables (or counters) shall be distributed throughout the space or facility. (ADAAG 5.1)

- 2) Counters and Bars. Where food or drink is served at counters exceeding 34 in. (865 mm) in height for consumption by customers seated on stools or standing at the counter, a portion of the main counter which is 60 in. (1525 mm) in length minimum shall be provided in compliance with Section 400.310(w) or service shall be available at accessible tables within the same area. (ADAAG 5.2)

- 3) Access Aisles. All accessible fixed tables shall be accessible by means of an access aisle at least 36 in. (915 mm) clear between parallel edges of tables or between a wall and the table edges. (ADAAG 5.3)

- 4) Dining Areas. In new construction, all dining areas, including raised or sunken dining areas, loggias, and outdoor seating areas, shall be accessible. In non-elevator buildings, an accessible means of vertical access to the mezzanine is not required under the following conditions:

- A) The area of mezzanine seating measures no more than 33 percent of the total accessible seating area;
- B) The same services and decor are provided in an accessible space usable by the general public; and
- C) The accessible areas are not restricted to use by people with disabilities. (ADAAG 5.4)

- 5) Food Services Lines. Food service lines shall have a minimum clear width of 36 in. (915 mm), with a preferred clear width of 42 in. (1065 mm) to allow passage around a person using a wheelchair. Tray slides shall be mounted no higher than 34 in. (865 mm) above the floor (see Illustration B, Fig. 53). If self-service shelves are provided, at least 50 percent of each type must be within the reach ranges specified in Section 400.220(e) and (f). (ADAAG 5.5)

- 6) Tableware and Condiment Areas. Self-service shelves and dispensing devices for tableware, dishware, condiments, food and beverages shall be installed to comply with Section 400.220 (see Illustration B, Fig. 54). (ADAAG 5.6)

- 7) Raised Platforms. In banquet rooms or spaces where a head table or speaker's lectern is located on a raised platform, the platform shall be accessible in compliance with Section

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400.310(e) or (h). Open edges of a raised platform shall be protected by placement of tables or by a curb. (ADAAG 5.7)

- 8) Vending Machines and Other Equipment. Spaces for vending machines and other equipment shall comply with Section 400.220 and shall be located on an accessible route. (ADAAG 5.8)

m) Temporary Buildings and Facilities All temporary buildings, facilities, accessible routes and building elements shall comply with the applicable accessibility requirements of this Code, unless specifically exempted in Section 400.330. In no case shall a temporary building or facility cause an existing building or facility to be further from compliance with this Code than it was prior to the erection of the temporary building, facility, accessible route, or building element.

n) Tenant Work

- 1) Tenant finishing work (including, but not limited to, partitions, doors, and officescapes) which is first constructed within any space of a building shall be considered as new construction within this Code, and shall comply with all requirements of this Code for new construction, including the principal entrance to the tenant space.
- 2) Tenant finishing work which is constructed subsequent to the first tenant remodeling of a building shall be considered alterations within this Code and shall comply with requirements of this Code for alterations. The area of required compliance shall include the principal entrance to the tenant space.

o) Transportation Terminals/Stations and Shopping Malls

- 1) All public facilities which are used for transportation terminals, stations and shopping malls shall have a visual information source which shall be located immediately adjacent to principal entrance(s) of transportation terminals/stations and shopping malls to give visual directions or information to environmentally limited persons. Such visual information source shall be one or both of the following:

A) A floor plan of the building, with viewer's position marked and properly oriented, showing vehicle embarkation and disembarkation points, entrances and exits, ticket counters, public lockers, telephones, and public toilet rooms;

B) Printed and graphic information, complying with Section 400.310(u), with tactile characters and symbols.

- 2) Provide for installation of a Telecommunication Device for the Deaf (TDD) at all major public transportation sites as required by the Telecommunication Devices for the Deaf Act [410 ILCS 55].

p) Detention and Correctional Facilities Individual inmate housing units of detention and correctional facilities owned by the State of Illinois or a governmental unit, at a rate of 3% or at least 1, whichever is greater, shall be accessible in accordance with this Code.

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Section 400.330 Exemptions

The following buildings or parts of buildings are exempted from applicability of the minimum requirements for new construction:

- a) Types of Housing
 - 1) Privately owned single and two-family residences and any sheds, storage buildings, or garages incidental thereto.
 - 2) Privately owned apartment buildings which are not herein classified as multi-story housing units.
 - 3) Individual dwelling units in privately owned multi-story housing units, except as required to be adaptable or accessible as defined herein.
 - 4) Housing, owned or financed by a governmental unit, consisting of less than five dwelling units located on an individual site, and any sheds, storage buildings, or garages incidental thereto.
- b) Elevators

Elevators or lifts are not required to serve the second floor or mezzanine space of privately owned public facilities, subject to all of the following:

 - 1) The exemption applies to the second story or the mezzanine of a two-story building, and to the mezzanine space of a one-story building; and
 - 2) The second story or mezzanine space is limited to 1,000 square feet or less; and
 - 3) The exemption does not apply to areas of visitor usage or to common employee usage such as locker areas, toilet facilities or lunchrooms if these facilities are the only ones in the building; and
 - 4) The exemption does not apply to a shopping center, a shopping mall, or the professional office of a health care provider. (ADAAG 4.1.3(5))
 - 5) The elevator exemption in (1) through (4) above does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in Section 400.310.
- c) Employee Work Areas

Areas that are used only by employees as work areas shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the areas. Areas used only as work areas are not required to be constructed to permit maneuvering within the work area or to be constructed or equipped (i.e., with racks or shelves) to be accessible. (ADAAG 4.1.1(3))
- d) Temporary Structures

Temporary buildings, structures, sites and equipment directly associated with the actual process of major construction, such as scaffolding, bridging, rigging, materials hoists or construction trailers are exempt. Temporary safe pedestrian passageways around a construction site are not exempt. (ADAAG 4.1.1(4))
- e) General Exceptions

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Accessibility is not required for:

- 1) observation galleries used primarily for security purposes; or
- 2) non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or freight (non-passenger) elevators, and frequented only by service personnel for repair purposes; such spaces include, but are not limited to, elevator pits, elevator penthouses, piping, or equipment catwalks. (ADAAG 4.1.1(5)(b))
- f) Structurally Impracticable

Full compliance with the requirements for new construction is not required in those rare circumstances when the unique characteristics of terrain prevent the incorporation of all required accessibility features. If full compliance is structurally impracticable, compliance shall be provided insofar as possible. Compliance with all other accessibility requirements, in any other portion of the building or facility to the extent that it is not structurally impracticable, is required. (adapted from: ADAAG 4.1.1(5)(a))

SUBPART D: MULTI-STORY HOUSING - NEW CONSTRUCTION

Section 400.350 Multi-Story Housing, New Construction

NOTE: New construction of multi-unit housing may also be subject to federal law, which has different accessibility requirements. See Fair Housing Amendments Act (42 U.S.C. Section 3601 et. seq).

- a) All common use and public use spaces on all floors (levels) shall be accessible utilizing subsections of Section 400.310 as required to ensure accessibility. Entrance doors to all individual dwelling units shall comply with Section 400.310(j).
- b) All site improvements shall be accessible, including an accessible route from the public sidewalk, public transportation facilities and/or parking, if provided, to and through an accessible entrance.
- c) A permanent audible and visual emergency warning system complying with Section 400.310(s) shall be provided in all public use and common use areas. Permanent or portable audible and visual emergency warning systems shall be installed in all adaptable units on an as-needed basis at the request of an environmentally limited occupant. If a permanent system is provided, the visual emergency warning system shall be arranged so the flashing light beam is visible in all rooms of the dwelling unit.
- d) The owner shall provide 20%, or at least one, whichever is greater, of the dwelling units as adaptable. Either the accessible or adaptable dwelling units shall be distributed throughout the building to provide a variety of sizes and locations.
- e) Adaptable Dwelling Units.
 - 1) Adaptable dwelling units shall be designed and constructed so they may, upon application by initial occupant, be converted to accessible units, with a minimum of structural changes, to meet

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the needs of different types of environmentally limited persons and to comply with Section 400.360. Costs of conversion for the initial environmentally limited person shall be borne by the owner; subsequent conversion costs shall be paid by the occupant.

2) An accessible route complying with Section 400.310(a) shall be provided into and within all adaptable dwelling units to all rooms and spaces and shall provide maneuvering space at doors as required by Section 400.310(j)(5).

3) An accessible route conforming with Section 400.310(a) shall be provided into and within all private patios, terraces, balconies, carports and garages designated for use by adaptable dwelling units.

4) Bathrooms in adaptable dwelling units shall comply with the space requirements of Section 400.360(d). Bathrooms shall be designed to allow, when converted to accessible units, for the installation of grab bars, water closets, toilet paper dispensers, mirrors, medicine cabinets, under-lavatory cabinets, in-tub or head-end bathtub seats, faucets, controls, pipe insulation, shower seats, and shower spray units without structural changes to the walls, floors or ceilings.

5) Kitchen appliances and laundry facilities, if provided in adaptable dwelling units shall comply with Sections 400.360(e) and (f).

6) Personal storage included in the initial construction of adaptable dwelling units shall comply with Section 400.310(p).

7) Dwelling units consisting of two stories are exempt from requirements for adaptability, as defined herein, if the required proportion of adaptable units, as stipulated in the Environmental Barriers Act, is met by other types of units distributed throughout the building; or, if accessibility to the second floor can be provided by the owner by the installation of a residential elevator or stairway chairlift complying with ASME A17.1-1996 when appropriate and approved by administrative authorities.

Section 400.360 Requirements for Adaptable Dwelling Units

NOTE: The illustrations and text of ANSI A-117.1-1986 are reproduced with permission from the American National Standards Institute.

a) General
Adaptable dwelling units shall comply with the requirements of this Section.

b) Adaptability
Subsections 400.360(d) and (e) specify a range of heights and clearances within which certain fixtures may be installed (for example, grab bars at bathtubs and toilets, and work surfaces and sink heights in kitchens). In the case of grab bars, provision can be made for later installation within the specified height range, as requested by the occupant of the dwelling unit. Other fixtures may be

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permanently installed at a height within these ranges, or the fixtures may be adjustable within the ranges. A unit in which fixtures may be added or adjusted in height is an adaptable unit. Both adaptable units and units in which fixtures are permanently installed within the heights specified in this Section are accessible dwelling units.

c) Bathrooms

Accessible bathrooms shall be on an accessible route and shall comply with the following requirements:

1) Doors. Doors may swing into the clear floor space required for any fixtures only when the bathroom provides sufficient maneuvering space (see Illustration B, Fig. 3) within the bathroom for a person using a wheelchair to enter and close the door, use the fixtures, reopen the door, and exit.

2) Water Closets.

A) Clear floor space at the water closet shall be as shown in Illustration B, Fig. 28. The water closet may be located with the clear area at either the right or left side of the toilet.

B) The height of the water closet shall be at least 15 in. (380 mm) and no more than 19 in. (485 mm) measured to the top of the toilet seat.

C) Grab bars shall be installed as shown in Illustration B, Fig. 29 and shall comply with Section 400.310(q), or structural reinforcement or other provisions shall be made that will allow installation of grab bars in the locations shown.

D) The toilet paper dispenser shall be installed within reach as shown in Illustration B, Fig. 29, at a maximum distance of 36 in. (915 mm) from the face of the wall behind the water closet.

3) Lavatory, Mirrors, and Medicine Cabinets.

A) The lavatory and mirrors shall comply with Section 400.310(n)(7).

B) If a cabinet is provided under the lavatory, it shall provide, or shall be removable to provide, the clearances specified in Section 400.310(n)(7)(B).

C) If a medicine cabinet is provided above the lavatory, then the bottom of the medicine cabinet shall be located with a usable shelf no higher than 44 in. (1120 mm) above the floor.

4) Bathtubs. If a bathtub is provided, it shall have the following features:

A) Floor Space. Clear floor space at bathtubs shall be as shown in Illustration B, Fig. 33.

B) Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Illustration B, Fig. 33 and shall comply with the structural strength of seats and their attachments 34. The structural strength of seats and their attachments shall comply with Section 400.310(q)(3). Seats shall be

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mounted securely and shall not slip during use.

- C) Grab Bars. Grab bars shall be installed within the range of heights shown in Illustration B, Fig. 34 and shall comply with Section 400.310(q), or structural reinforcement or other provisions shall be made that will allow installations of grab bars meeting these requirements.

- D) Controls. Faucets and other controls shall be located as shown in Illustration B, Fig. 34 and shall comply with Section 400.310(r)(4).

- E) Shower Unit. A shower spray unit shall be provided with a hose at least 60 in. (1525 mm) long that can be used as a fixed shower head or as a hand-held shower. If an adjustable-height shower head mounted on a vertical bar is used, the bar shall be installed so as not to obstruct the use of grab bars.

- 5) Showers. If a shower is provided, it shall have the following features:

- A) Size and Clearances. Shower stall size and clear floor space shall comply with either Illustration B, Fig. 35(a) or (b). The shower stall in Illustration B, Fig. 35(a) shall be 36 in. by 36 in. (915 mm by 915 mm). The shower stall in Illustration B, Fig. 35(b) will fit into the same space as a standard bathtub, 60 in. (1525 mm) long.

- B) Seat. A seat shall be provided in the shower stall in Illustration B, Fig. 35(a) as shown in Illustration B, Fig. 36. The seat shall be 17 in. to 19 in. (430 mm to 485 mm high measured from the bathroom floor and shall extend the full depth of the stall. The seat shall be on the wall opposite the controls. The structural strength of seats and their attachments shall comply with Section 400.310(q)(3). Seats shall be mounted securely and shall not slip during use.

- C) Grab Bars. Grab bars shall be installed within the range of heights shown in Illustration B, Fig. 37 and shall comply with Section 400.310(q), or structural reinforcement or other provisions shall be made that will allow installation of grab bars meeting these requirements.

- D) Controls. Faucets and other controls shall be located as shown in Illustration B, Fig. 37 and shall comply with Section 400.310(r)(4). In the shower stall in Illustration B, Fig. 35(a), all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

- E) Shower Unit. A shower spray unit shall be provided with a hose at least 60 in. (1525 mm) long that can be used as a fixed shower head at various heights or as a hand-held shower. If an adjustable-height shower head mounted on a vertical bar is used, the bar shall be installed so as not to obstruct the use of grab bars.

- 6) Bathtub and Shower Enclosures. Enclosures for bathtubs or shower stalls shall not obstruct controls or transfer from wheelchairs onto shower or bathtub seats. Enclosures on bathtubs shall not have tracks mounted on their rims.

- 7) Clear Floor Space. Clear floor space at fixtures may overlap.

e) Kitchens

Accessible kitchens and their components shall be on an accessible route and shall comply with the following requirements:

- 1) Clearance. Where counters provide the knee clearances specified in Section 400.310(n)(7)(B), clearances between those counters and all opposing base cabinets, countertops, appliances, or walls in kitchens shall be 40 in. (1015 mm) minimum, except in U-shaped kitchens, where such clearances shall be 60 in. (1525 mm) minimum.

- 2) Clear Floor Space. A clear floor space at least 30 in. by 48 in. (760 mm by 1220 mm) that allows either a forward or a parallel approach by a person in a wheelchair shall be provided at all appliances in the kitchen, including the range or cooktop, oven, refrigerator, freezer, dishwasher, and trash compactor. Laundry equipment located in the kitchen shall comply with subsection (f) of this Section.

- 3) Controls. All controls in kitchens shall comply with Section 400.310(r).

- 4) Work Surfaces. At least one 30 in. (760 mm) section of counter shall provide a work surface that complies with the following requirements (see Illustration B, Fig. 50):

- A) The counter shall be adjustable or replaceable as a unit at variable heights between 28 in. and 36 in. (710 mm and 915 mm), measured from the floor to the top of the counter surface, or shall be mounted at a fixed height no greater than 34 in. (865 mm), measured from the floor to the top of the counter surface.

- B) Base cabinets, if provided shall be removable under the full 30 in. (760 mm) minimum frontage of the counter. The finished floor shall extend under the counter to the wall.

- C) Counter thickness and supporting structure shall be 2 in. (51 mm) maximum over the required clear area.

- D) A clear floor space of 30 in. by 48 in. (760 mm by 1220 mm) shall allow a forward approach to the counter. Nineteen inches (485 mm) maximum of the clear floor space may extend underneath the counter. The knee space shall have a minimum clear width of 30 in. (760 mm).

- E) There shall be no sharp or abrasive surfaces under such counters.

- 5) Sink. The sink and surrounding counter shall comply with the following requirements (see Illustration B, Fig. 51):

- A) The sink and surrounding counter shall be adjustable or replaceable as a unit at variable heights between 28 in. and

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36 in. (710 mm and 915 mm), measured from the finished floor to the top of the counter surface or sink rim, or shall be mounted at a fixed height no greater than 34 in. (865 mm), measured from the finished floor to the top of the counter surface or sink rim.

B) Where sinks are installed to be adjustable in height, rough-in plumbing shall be located to accept connections of supply and drain pipes for sinks mounted at the height of 28 in. (710 mm).

C) The depth of a sink bowl shall be no greater than 6 1/2 in. (165 mm). Only one bowl of double-bowl or triple-bowl sinks needs to meet this requirement.

D) Faucets shall comply with Section 400.310(r)(4). Lever-operated or push-type mechanisms are two acceptable designs.

E) Base cabinets, if provided, shall be removable under the full 30 in. (760 mm) minimum frontage of the sink and surrounding counter. The finished flooring shall extend under the counter to the wall.

F) Counter thickness and supporting structure shall be 2 in. (50 mm) maximum over the required clear space.

G) A clear floor space of 30 in. by 48 in. (760 mm by 1220 mm) shall allow forward approach to the sink. Nineteen inches (485 mm) maximum of the clear floor space may extend underneath the sink. The knee space shall have a minimum clear width of 30 in. (760 mm).

H) There shall be no sharp or abrasive surfaces under sinks. Hot-water pipes and drain pipes under sinks shall be insulated or otherwise covered.

6) Ranges and Cooktops. Ranges and cooktops shall comply with subsections (e)(2) and (e)(3) of this Section. If ovens or cooktops have knee spaces underneath, then they shall be insulated or otherwise protected on the exposed contact surfaces to prevent burns, abrasions, or electrical shock. The clear floor space may overlap the knee space, if provided, by 19 in. (485 mm) maximum. The location of controls for ranges and cooktops shall not require reaching across burners.

7) Ovens. Ovens shall comply with subsections (e)(2) and (e)(3) of this Section. Ovens shall be of the self-cleaning type or be located adjacent to an adjustable height counter with knee space below (see Illustration B, Fig. 52). For side-opening ovens, the door latch side shall be next to the open counter space, and there shall be a pull-out shelf under the oven extending the full width of the oven and pulling out not less than 10 in. (255 mm) when fully extended. Ovens shall have controls on front panels; they may be located on either side of the door.

8) Refrigerator/Freezers. Refrigerator/freezers shall comply with subsection (e)(3) of this Section. Provision shall be made for

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refrigerator/freezers that are:

A) Of the vertical side-by-side refrigerator/freezer type; or
B) Of the over-and-under type and meet the following requirements:

i) Have at least 50 percent of the freezer space below 54 in. (1370 mm) above the floor.

ii) Have 100 percent of the refrigerator space and controls below 54 in. (1370 mm).

Freezers with less than 100 percent of the storage volume within the limits specified in Section 400.220(e) or (f) shall be the self-defrosting type.

9) Dishwashers. Dishwashers shall comply with subsections (e)(2) and (e)(3) of this Section. Dishwashers shall have all rack space accessible from the front of the machine for loading and unloading dishes.

10) Kitchen Storage. Cabinets, drawers, and shelf storage areas shall comply with Section 400.310(p) and shall have the following features:

A) Maximum height shall be 48 in. (1220 mm) for at least one shelf of all cabinets and storage shelves mounted above work counters (see Illustration B, Fig. 50).

B) Door pulls or handles for wall cabinets shall be mounted as close to the bottom of cabinet doors as possible. Door pulls or handles for base cabinets shall be mounted as close to the top of cabinet doors as possible.

f) Laundry Facilities

If laundry equipment is provided within individual accessible dwelling units, or if separate laundry facilities serve one or more accessible dwelling units, they shall meet the following requirements:

1) Location. Laundry facilities and laundry equipment shall be on an accessible route.

2) Washing Machines and Clothes Dryers. Washing machines and clothes dryers in common-use laundry rooms shall be front loading.

3) Controls. Laundry equipment shall comply with Section 400.310(r).

SUBPART E: PUBLIC FACILITIES - ADDITIONS

Section 400.410 Public Facilities, Additions - Minimum Requirements

All additions to public facilities are considered new construction and are subject to the applicable requirements of Section 400.310(a)-(w) and to the following additional requirements:

a) All spaces within any addition shall be accessible and provide the minimum elements listed in Section 400.310(a)-(w) to ensure accessibility.

b) Entrances

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If a new addition to a public facility does not have an accessible entrance, then at least one entrance to the existing building or facility shall comply with Section 400.310(k).

c) Accessible Route

If the only accessible entrance to the new addition is located in the existing building or facility, then at least one accessible route conforming with Section 400.310(a) shall provide access through the existing building or facility to all accessible spaces in the new addition.

d) Toilet rooms and Bathing Facilities

1) Toilet rooms, existing and/or new, shall provide the "Minimum Number of Plumbing Fixtures" required by the Illinois Plumbing Code (77 Ill. Adm. Code 890), including the requirements of the addition.

2) If there are no toilet rooms, bathing facilities, or shower rooms in the addition and these facilities are provided in the existing building, then at least one toilet room, one bathing facility, or one shower room for each sex shall conform with Section 400.310(n).

Section 400.420 Exemptions

Additions to all buildings or parts of buildings which are exempted in Section 400.330 from applicability of the minimum requirements for new construction.

SUBPART F: PUBLIC FACILITIES - ALTERATIONS

Section 400.510 Public Facilities, Alterations - Minimum Requirements

a) General

1) Alterations (as defined in Section 400.210(b)(11)) to existing public facilities to which the Environmental Barriers Act and this Code apply shall be accessible as provided in this Section.

2) No alteration shall be undertaken that decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration. (ADAA 4.1.6(1)(a))

b) Scope

1) All Public Facilities - Alteration Costs 15% or Less. If the alteration costs 15% or less of the reproduction cost of the public facility, the element or space being altered shall comply with the applicable requirements for new construction (see Sections 400.310 and 400.320). (See also subsection (b)(6) of this Section for treatment of alterations to specific categories of public facilities).

2) State Owned Public Facilities - Alteration Costs 15%-50%. If the alteration is to a public facility owned by the State and the alteration costs more than 15% but less than 50% of the

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reproduction cost of the public facility, the following shall comply with the applicable requirements for new construction (see Sections 400.310 and 400.320):

A) the element or space being altered;

B) an entrance and a means of egress intended for use by the general public;

C) all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible entrance and means of egress and the element or space being altered;

D) at least one accessible toilet room for each sex or a unisex toilet when permitted, if toilets are provided or required (see subsection (e)(1) of this Section;

E) accessible parking spaces, where parking is provided; and

F) an accessible route from public sidewalks or from accessible parking spaces, if provided, to an accessible entrance.

3) All Public Facilities Other Than State-Owned-Alteration Costs 15% to 50% and Less than \$100,000. If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, and less than \$100,000, the following shall comply with the applicable requirements for new construction (see Sections 400.310 and 400.320):

A) the element or space being altered; and

B) an entrance and a means of egress intended for use by the general public.

4) All Public Facilities Other Than State-Owned - Alteration Costs 15% to 50% and More than \$100,000. If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, and more than \$100,000, the following shall comply with the applicable requirements for new construction (see Sections 400.310 and 400.320):

A) the element or space being altered;

B) an entrance and a means of egress intended for use by the general public;

C) all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible entrance and means of egress and the element or space being altered. ELEVATOR EXCEPTION: However, privately owned public facilities are not required to provide vertical access in a building with 2 levels of occupiable space where the cost of providing such vertical access is more than 20% of the reproduction cost of the public facility;

D) at least one accessible toilet room for each sex or a unisex toilet, when permitted, if toilets are provided or required (see subsection (e)(1) of this Section;

E) accessible parking spaces, where parking is provided; and

F) an accessible route from public sidewalks or from the accessible parking spaces, if provided, to an accessible entrance.

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- 5) All Public Facilities - Alteration Costs 50% or More. If the alteration costs 50% or more of the reproduction cost of the public facility, the entire public facility shall comply with the applicable requirements for new construction (see Sections 400.310 and 400.320).
- 6) Alterations to Specific Categories of Public Facilities. For religious entities, private clubs, and owner-occupied transient lodging facilities of 5 units, compliance with the standards adopted by the Capital Development Board is not mandatory if the alteration costs 15% or less of the reproduction cost of the public facility. However, if the cost of the alteration exceeds \$100,000, the element or space being altered must comply with the applicable requirements for new construction (see Sections 400.310 and 400.320). If the alteration costs more than 15% of the reproduction cost, subsections 3, 4 and 5 above, as applicable, govern.

c) Calculation of Reproduction Cost

For the purpose of calculating percentages of reproduction cost, the cost of alteration shall be construed as the total actual combined cost of all alterations made within any period of 30 months.

d) Housing

- 1) Scope. Alterations to housing that is owned, financed or guaranteed by a governmental unit is subject to the applicable requirements of subsection (b) of this Section. Privately financed alterations to housing are not covered by the Environmental Barriers Act or this Code. NOTE: All housing, including new construction and some alterations may be subject to federal law. See Fair Housing Amendments Act, 42 U.S.C. 3601 et. seq.

2) Specific Requirements.

- A) Toilet Rooms. With respect to the requirements for toilet rooms at subsections (b)(2)(iv) and (b)(4)(iv) of this Section, for housing units this requirement is applicable only to toilet rooms provided in public or common use areas.
- B) Application of New Construction Requirements. With respect to housing alterations subject to subsection (b)(5) of this Section, the public and common use areas shall comply with the applicable requirements for new construction and the percentage of dwelling units required to be accessible or adaptable in Section 400.350 shall be provided.

e) Specific Modifications of New Construction Requirements Permitted in Alterations

- 1) Toilet Rooms.
 - A) Unisex Toilet Rooms. Use of a unisex toilet room is permitted where construction of a single sex toilet room is technically infeasible or where otherwise permitted by the Illinois Plumbing Code, such as where such facilities are provided in addition to the required number of separate sex

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toilet rooms. Where unisex toilet rooms are provided, the following requirements shall be met:

- i) At least one unisex toilet room per floor shall be installed in the same area as existing toilet facilities;
- ii) At least one water closet complying with Section 400.310(n)(5)(B);
- iii) At least one lavatory complying with Section 400.310(n)(7);
- iv) A door complying with Section 400.310(n)(3) with a privacy latch; and
- v) The room itself shall have no stalls and a clear floor space of 60 in. (1525 mm).

- B) Toilet Stalls. In instances of alteration work where provision of a standard stall (Illustration B, Fig. 30(a)) is technically infeasible or where plumbing code requirements prevent combining existing stalls to provide space, either alternate stall (Illustration B, Fig. 30(b)) may be provided in lieu of the standard stall (ADAAG 4.17.3). See Section 400.310(n)(5)(A)(ii).

- C) Toilet Rooms. When existing toilet or bathing facilities are being altered and are not made accessible, signage complying with Section 400.310(u)(1)-(6) shall be provided indicating the location of the nearest accessible toilet or bathing facility within the facility (ADAAG 4.1.6(3)(e)(iii)).

- 2) Handrails. Full extension of stair handrails shall not be required in alterations where such extensions would be hazardous, such as interfering with the operation of an exit door.

- 3) Ramps. Curb ramps and interior or exterior ramps to be constructed on existing sites or in existing buildings or facilities where space limitations prohibit the use of a 1:12 slope or less may have slopes and rises as follows:

- A) A slope between 1:10 and 1:12 is allowed for a maximum rise of 6 in.
- B) A slope between 1:8 and 1:10 is allowed for a maximum rise of 3 in. A slope steeper than 1:8 is not allowed. (ADAAG 4.1.6(3)(a))
- 4) Platform Lifts. (See Sections 400.310(h)(1)(D) and 400.310(h)(2)).
- 5) Patient Rooms in Medical Care Facilities. Alterations to patient bedrooms.

- A) When patient bedrooms are being added or altered as part of a planned renovation of an entire wing, a department, or other discrete area of an existing medical facility, a percentage of the patient bedrooms that are being added or altered shall comply with Section 400.320(d)(3). The percentage of accessible rooms provided shall be consistent

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with the percentage of rooms required to be accessible by the applicable requirements of Section 400.320(d)(1)(A)-(C) and (E) until the number of accessible patient bedrooms in the facility equals the overall number that would be required if the facility were newly constructed. (For example, if 20 patient bedrooms are being altered in the obstetrics department of a hospital, 2 of the altered rooms must be made accessible). If, within the same hospital, 20 patient bedrooms are being altered in a unit that specializes in treating mobility impairments, all of the altered rooms must be made accessible.) Where toilet/bathrooms are part of patient bedrooms which are added or altered and required to be accessible, each such patient toilet/bathroom shall comply with Section 400.320(d)(4).

B) When patient bedrooms are being added or altered individually, and not as part of an alteration of the entire area, the altered patient bedrooms shall comply with Section 400.320(d)(3), unless either:

- i) the number of accessible rooms provided in the department or area containing the altered patient bedroom equals the number of accessible patient bedrooms that would be required if the percentage requirements of Section 400.320(d)(1)(A)-(C) and (E) were applied to that department or area; or
- ii) the number of accessible patient bedrooms in the facility equals the overall number that would be constructed. Where toilet/bathrooms are part of patient bedrooms which are added or altered and required to be accessible, each such toilet/bathroom shall comply with Section 400.320(d)(4).

6) Service Counters. In alterations where it is technically infeasible to provide an accessible counter, an auxiliary counter meeting the requirements of Section 400.320(h)(1)(A) may be provided. (ADAAG 7.2(1))

7) Check-Out Aisles. In alterations, at least one check-out aisle shall be accessible in facilities under 5000 square feet of selling space. In facilities of 5000 or more square feet of selling space, at least one of each design of check-out aisle shall be made accessible when altered until the number of accessible check-out aisles of each design equals the number required in new construction. (ADAAG 7.3(1)) See Section 400.320(h)(2).

8) Restaurants and Cafeterias. In alterations, where practicable, accessible fixed tables (or counters) shall be distributed throughout the space or facility (ADAAG 5.1)

9) Tenant Work. Tenant finishing work (including, but not limited to partitions, doors, and officescapes) which is constructed

subsequent to the first tenant remodeling of a building shall be considered alterations within this Code and shall comply with the requirements of this Section.

10) Site Improvements and Exterior Facilities.
A) All existing curbs which are part of any reconstruction or alteration shall be provided with accessible curb ramps along the path of travel between all public facilities and/or multi-story housing units.

B) All walks and sidewalks installed as part of a municipal improvement, or replacement walks or sidewalks within site facilities shall meet the requirements of this Code at Sections 400.310(a) and (d).

C) All changes, improvements, or maintenance of existing parking lots including sealcoating, resurfacing, remarking, fencing, curbs, walks, and/or landscaping shall provide accessible parking spaces in accordance with Section 400.310(c). In addition, there shall be provided curb ramps as necessary to provide an accessible route to an accessible entrance.

D) If inaccessible elements (such as steps, curbs, ramps) occur along a site access route within the boundary of the site connecting public transportation stops, accessible parking spaces, passenger loading zones, public streets and sidewalks and an accessible entrance to a public facility or multi-story housing unit, and such elements are to be improved or replaced, the improvement or replacement shall meet requirements of this Code at subsections (a) and (d) of Section 400.310 and result in an accessible site access route.

11) Accessible Transient Lodging. Alterations to accessible units, sleeping rooms, and suites.

A) When sleeping rooms are being altered in an existing facility, or portion thereof, subject to the requirements of Section 400.320(b), at least one sleeping room or suite that complies with the requirements of Section 400.320(g)(5) shall be provided for each 25 sleeping rooms, or fraction thereof, of rooms being altered until the number of such rooms provided equals the number required to be accessible pursuant to Section 400.320(g)(2).

B) At least one sleeping room or suite that complies with the requirements of Section 400.320(g)(6) shall be provided for each 25 sleeping rooms, or fraction thereof, of rooms being altered until the number of such rooms equals the number required to be accessible by Section 400.320(g)(3). (ADAAG 9.1.5)

12) Doors.

A) In alterations, where it is technically infeasible to provide a 32 in. (815 mm) clear opening as required in

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Section 400.310(j)(4), the latch side stop may project up to a maximum 5/8 in. (16 mm) into the opening width. (adapted from ADAAG 4.1.6(3)(d)(i))

- B) Existing thresholds 3/4 in. (19 mm) high or less, may remain if such thresholds have or are modified to have a beveled edge on each side. (adapted from ADAAG 4.1.6(3)(d)(ii))

- 13) Dressing and Fitting Rooms. In alterations where technical infeasibility can be demonstrated, one dressing room for each sex on each level shall be made accessible. Where only unisex dressing rooms are provided, accessible unisex dressing rooms may be used to fulfill this requirement. (ADAAG 4.1.6(3)(h))

- 14) Elevators.

- A) In alterations where technical infeasibility prohibits strict compliance with Section 400.310(g)(9) the minimum car plan dimensions may be reduced by the minimum amount necessary, but in no case shall the inside car area be smaller than 48 in. by 48 in. (1220 mm by 1220 mm). (ADAAG 4.1.6(3)(c)(ii))

- B) Equivalent facilitation may be provided with an elevator car of different dimensions when usability can be demonstrated and when all other elements required to be accessible comply with the applicable provisions of Section 400.310(g). For example, an elevator of 47 in. by 69 in. (1195 mm by 1755 mm) with a door opening on the narrow dimension, could accommodate the standard wheelchair clearances shown in Illustration B, Fig. 4. (ADAAG 4.1.6(3)(c)(iii))

Section 400.520 Exemptions to the Alterations Requirements

- a) Existing privately owned multi-story housing units which are altered with private funds. When privately owned multi-story housing units are altered with financing from or guarantees by a governmental unit, the requirements of Section 400.510 (d) shall be met.
- b) Alterations to all buildings or parts of buildings which are exempted from the minimum requirements for new construction (see Section 400.330).
- c) Historic preservation work except as applicable under Section 400.610.
- d) Parts of buildings which it would be technically infeasible to make conform to the strict requirements of the Code for new construction, with the approval of the administrative authority.

SUBPART G: HISTORIC PRESERVATION

Section 400.610 Historic Preservation, Scope - Minimum Requirements

Historic preservation, including historic reconstruction and historic restoration, is the alterations category applied to historic buildings or historically interpreted buildings. Every qualified historic building (as

defined in Section 400.210), facility, or site open to the public shall also provide access to environmentally limited persons as required in this Section to afford them the maximum opportunity to experience their cultural heritage consistent with maintaining the historic aspects of the building or site.

- a) General

- 1) Alterations to a qualified historic building or facility shall comply with the applicable requirements of this Code, unless it is determined pursuant to subsection (a)(2), below, that such compliance would threaten or destroy the historic significance of the building or facility in which case the alternative requirements for historic buildings, Section 400.620, may be used.

- 2) Where alterations are undertaken to a historic building or facility, if the entity undertaking the alterations believes that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility and that the alternative requirements in Section 400.620 should be used for the element or space being altered, the entity should consult with the State Historic Preservation Officer. If the State Historic Preservation Officer agrees that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility, the alternative requirements in Section 400.620 may be used. The determination that an alteration would threaten or destroy the historic significance of the building or facility shall be based upon the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Alterations not recommended by the Standards shall be considered to threaten or destroy the historic significance of the building or facility. In that case, the alternative requirements as defined in Section 400.620 for alterations to historic buildings may be used.

- b) Scope

- 1) All Historic Buildings - Alteration Costs 15% or Less. Where the cost of alterations to any historic building, facility or site is 15% or less of the reproduction cost of the public facility the element or space being altered must comply with this Code if the conditions of subsection (a)(2), above are met. Alternative requirements for historic buildings, Section 400.620, may be substituted for the requirements of Section 400.310(a)-(w).
- 2) Historically Interpreted Buildings - Alteration Costs 15% or More. If "historically interpreted buildings" as defined in Section 400.210 which are owned by either a governmental unit or are privately owned, undergo alterations which cost more than 15% of the reproduction cost of the public facility, the following minimum requirements shall be met:

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- A) An accessible route complying with Section 400.310(a) and (b) shall be provided to one principal level with displays open to the public. Exception: Where providing an accessible route would threaten or destroy the historic significance of the building or facility, fully accessible permanent interpretive exhibits which are of equivalent educational and interpretive scope as the non-accessible historic parts of the building or facility shall be provided as near to the non-accessible part of the building or facility as possible.
- B) An audible and visual information source shall be provided adjacent to the main entrance to the historic building or facility to give directions and information to persons with disabilities.
- C) Displays and written information shall be located and designed so that they may be seen by seated persons. Exhibits and signage displayed horizontally (e.g. open books) should be no higher than 44 in. (1120 mm) above the floor surface. (ADAAG 4.1.7(e))
- D) At least one accessible toilet room for each sex complying with Section 400.310(n) if toilets are required in the facility or one unisex toilet room, if permitted by the Illinois Plumbing Code, shall be provided as near the site as possible but at least within 200 feet from the main entrance of the building or facility.
- E) At least one accessible drinking fountain complying with Section 400.310(l), if drinking fountains are required in the facility, shall be provided as near the site as possible but at least within 200 feet from the main entrance of the building or facility.
- F) Accessible parking spaces complying with Section 400.310(c), where parking is provided.
- G) An accessible route from the accessible parking spaces, if provided, to an accessible entrance.
- H) Alternative requirements for historic buildings, Section 400.620, may be substituted for the requirements of Section 400.310(a)-(w).
- 3) Other Historic Buildings - Alteration Costs 15% or More. If historic buildings other than "historically interpreted buildings" as defined in Section 400.210 which are owned by either a governmental unit or are privately owned, undergo alterations which cost more than 15% of the reproduction cost of the public facility, the following must comply with this Code:
- The element or space being altered.
 - An entrance and a means of egress intended for use by the general public.
 - Horizontal and vertical accessible routes between an entrance or means of egress and the parts being altered.

- At least one accessible toilet room for each sex complying with Section 400.310(n) if toilets are required in the facility or one unisex toilet room, if permitted by the Illinois Plumbing Code.
 - Accessible parking spaces complying with Section 400.310(c), where parking is provided.
 - An accessible route from the accessible parking spaces, if provided, to an accessible entrance.
 - Alternative requirements as defined in Section 400.620 may be substituted for the requirements of Section 400.310(a)-(w) where deemed necessary by the State Historic Preservation Officer.
- 4) Specific Provisions. The following provisions shall also apply to alterations to historic buildings:
- Full extension of stair handrails shall not be required in alterations where such extensions would be hazardous or impossible due to plan configuration.
 - If safety door edge is provided in existing automatic elevators, then the automatic door protective and reopening devices as required in Section 400.310(g)(6) may be omitted.
 - Where existing shaft or structural elements prohibit strict compliance with the minimum dimensions of the elevator cars as required in Section 400.310(g)(9) then the minimum floor area dimensions may be reduced to no less than 48 in. by 48 in. (1220 mm by 1220 mm).
 - In alterations to historic buildings where it is technically infeasible to disperse seating throughout an assembly area, the seating may be located in collected areas. Seating shall adjoin an accessible route which also serves as a means of emergency egress.
- c) Calculation of Reproduction Cost
- For the purpose of calculating percentages of reproduction cost, the cost of alterations shall be construed as the total actual combined cost of all alterations made within any period of thirty months.

Section 400.620 Alternative Requirements for Historic Buildings

- The following alternative requirements may be substituted for the requirements of Section 400.310(a)-(w) when a historic building undergoes alterations:
 - Changes of level may be accommodated by ramps having the following maximum slopes:
 - A slope between 1:10 and 1:12 is allowed for a maximum rise of 6 in.
 - A slope between 1:8 and 1:10 is allowed for a maximum rise of 3 in. (ADAAG 4.1.6(3)(a))
 - A slope between 1:6 and 1:8 is allowed for a maximum rise of 2 in.

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D) Where access to any space in a historic building will be limited to controlled groups with assigned tour guides, changes in level as provided in (A)-(C) above may be accommodated by means of a detachable ramp.

2) Where access to any space in a historic building will be limited to controlled groups with assigned tour guides, requirements of the following Sections are waived for that space:

- A) Section 400.310(j), Doors, except minimum widths as noted in subsection 5, below, and threshold heights;
- B) Section 400.310(p), Storage;
- C) Section 400.310(r), Controls and Operating Mechanisms, where not intended to be operated by the general public;
- D) Section 400.310(t), Detectable Warnings; and
- E) Section 400.310(u), Signage.

3) Where access to any space in a historic building will be limited to controlled groups with assigned tour guides, or where a full-time door attendant or concierge is provided at the door within visual and audible communication range, there are no special requirements for door hardware or operation.

4) Door hardware. The addition of adapter lever handles that retain the existing hardware will be considered to meet the Secretary of the Interior's Standards as they do not result in the removal of any historic features from the structure.

5) Minimum clear door opening width for a single door or the single active leaf of a pair of doors shall meet the requirements of Section 400.310(j)(4). When the alteration of an existing historic door does not meet the Secretary of the Interior's Standards, a lesser dimension may be considered to be accessible if it provides the highest level of access within the limited dimensions available. (ADAAG 4.13.5) Examples of acceptable methods of providing improved access while maintaining the historic door include:

- A) Maintain the door opening area free of any obstructions so that the clear opening can be measured with the door in a 180 degree position rather than the 90 degree position.
- B) Reverse the swing of the door.
- C) Remove or alter the side door stop(s).
- D) Replace the existing hinges with offset hinges.
Example. The main entrance door on a 19th century structure used as a house museum is entered from a porch that is otherwise accessible, but the door is only 30 in. wide. Because the door, associated transom and surrounding trim are all significant features of the building, altering the opening and replacing the door does not meet the Secretary of the Interior's Standards. The installation of off-set hinges and the replacement of the door stops creates a clear opening of 29 1/2 in., but otherwise retains all of the historic features of the house. In these circumstances, the

modified front entry door would be considered to be accessible.

6) For paired doors where an individual leaf does not provide the minimum clear opening, the following options provide improved access:

- A) Activating the second leaf; or
 - B) Adding a power operator that activates both leaves.
- 7) If it is determined that no entrance used by the public can comply with Section 400.310(k) without threatening or destroying the historic character of the building or facility, then access at any entrance not used by the general public, but open (unlocked) with directional signage at the primary entrance may be used. The accessible entrance shall also have a notification system. Where security is a problem, remote monitoring may be used. (ADAAG 4.1.7(3)(B) Exception)
- 8) Accessible routes from an accessible entrance to all publicly used spaces on at least the level of the accessible entrance shall be provided. Access shall be provided to all levels of a building or facility in compliance with Section 400.310(a) whenever practical, and where such access would not threaten or destroy the historic character of the building or facility. (ADAAG 4.1.7(3)(d))
- 9) Where the historic aspects of the building or facility would be destroyed, or so greatly altered as to have an adverse effect on a historic stair, the requirements of Section 400.310(f) are waived.

Section 400.630 Exemptions for Historic Preservation

- a) All buildings or parts of buildings exempted from applicability of the minimum requirements for new construction.
- b) All buildings or parts of buildings exempted from applicability of the minimum requirements for alterations.
- c) Existing privately owned multi-story housing units.
- d) Parts of the building where it would be technically infeasible to make conform to the strict requirements of the Code for new construction.

SUBPART H: STANDARDS FOR GOVERNMENT LEASING, RENTING OR USE OF PUBLIC FACILITIES

Section 400.710 Standards for Government Leasing, Renting or use of Public Facilities

No governmental unit may enter into a new or renewal agreement to lease, rent, or use, in whole or in part, any public facility which does not comply with this Code. Any governmental unit which, on the effective date of the EBA, is leasing, renting or using, in whole or in part, any public facility which does not comply with this Code shall make all reasonable efforts to terminate such

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lease, rental or use by January 1, 1990 (Section 5 of the EBA).








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SUBPART I: GRAPHIC CONVENTIONS AND FIGURES

Section 400. ILLUSTRATION A Graphic Conventions

Table 1
Graphic Conventions

Convention	Description
	Typical dimension line showing U.S. customary units (in inches) above the line and SI units (in millimeters) below
	Dimensions for short distances indicated on extended line
	Dimension line showing alternate dimensions required
	Direction of approach
	Maximum Minimum
	Boundary of clear floor area
	Centerline

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Section 400.ILLUSTRATION B Graphic Figures

Graphic illustrations are shown in figures 1 through 13, 15 through 46, and 50 through 57 (figures 14, 47, 48 and 49. reserved). Dimensions that are not marked minimum or maximum are absolute, unless otherwise indicated in the text or captions. All dimensions are subject to conventional building industry tolerances for field conditions.

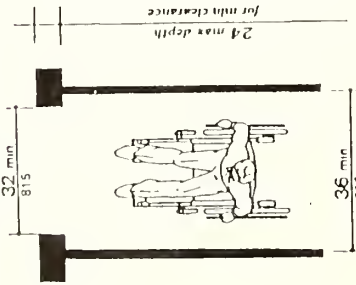


Fig. 1
Minimum Clear Width
for Single Wheelchair

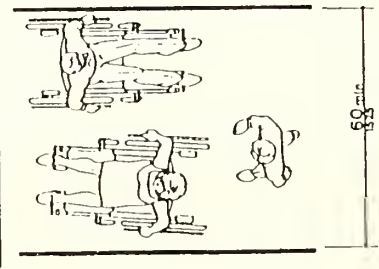


Fig. 2
Minimum Clear Width
for Two Wheelchairs

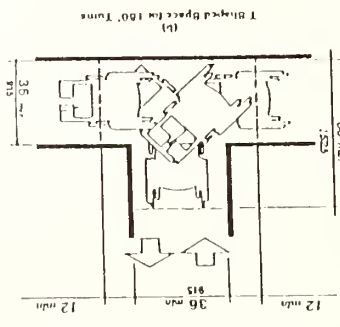


Fig. 3
Wheelchair Turning Space

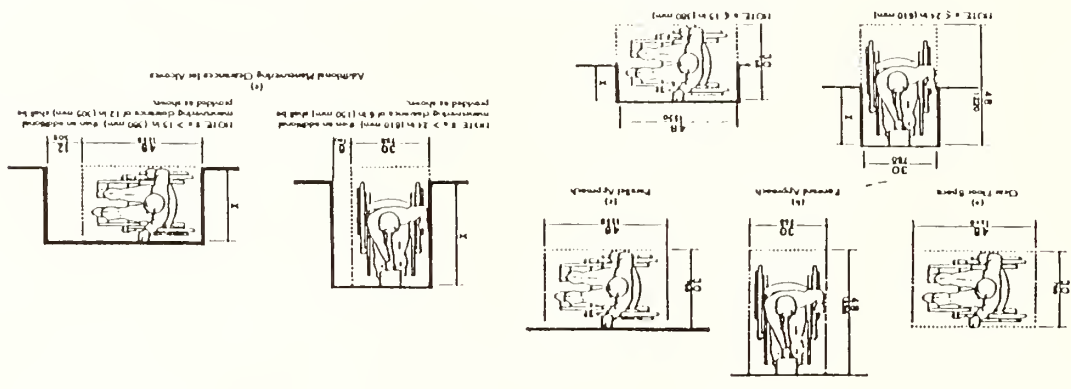
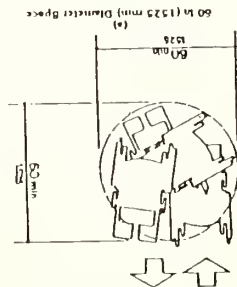


Fig. 5
Minimum Forward Reach over an Obstruction

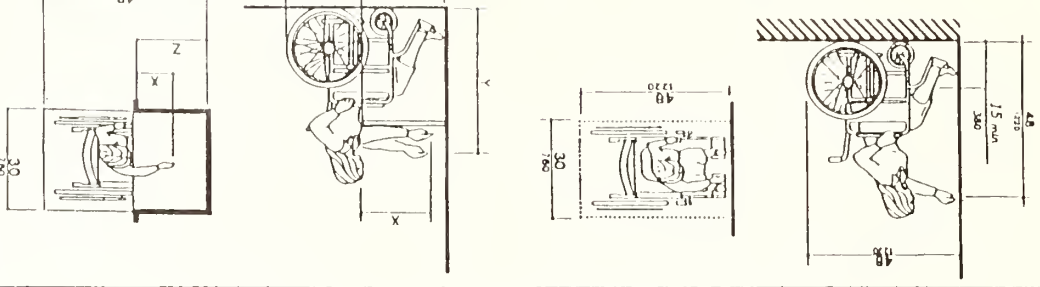


Fig. 6
Minimum Clear Floor Space for Wheelchairs

Fig. 7
Forward Reach

NOTE: a wall be 25 in (635 mm), e shall be 2 in (51 mm). When a < 20 in (508 mm), e shall be 48 in (1220 mm) maximum. When a > 20 in (508 mm), e shall be 48 in (1220 mm) maximum. When a > 20 in (508 mm), e shall be 48 in (1220 mm) maximum.

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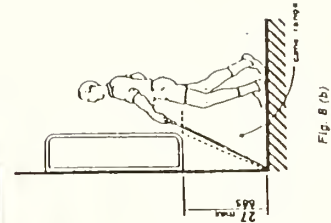
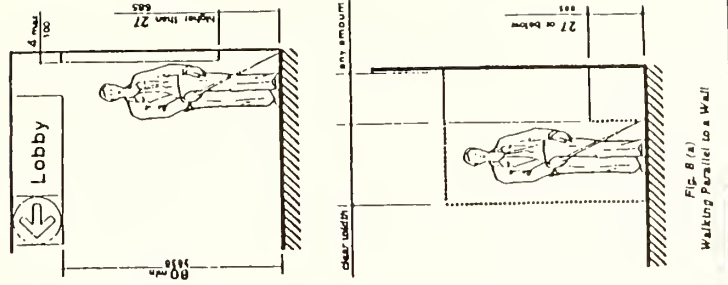


Fig. 8
Protruding Objects

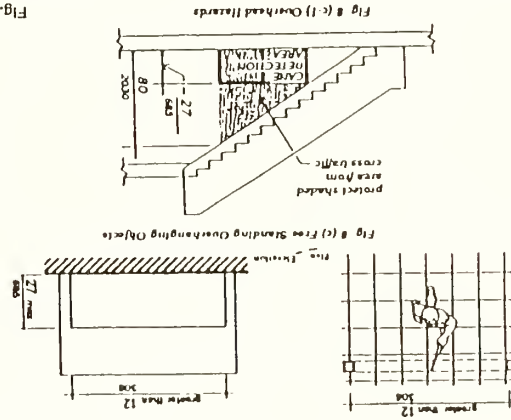
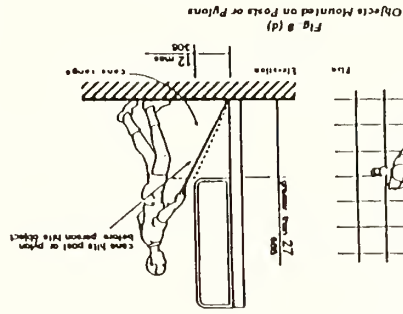
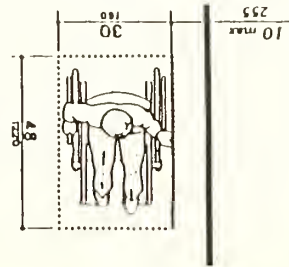
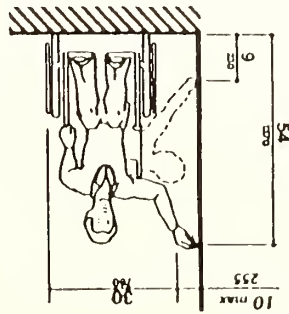
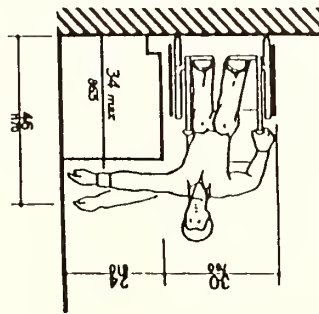
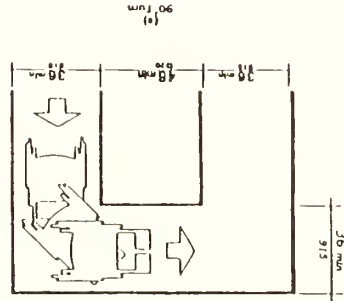
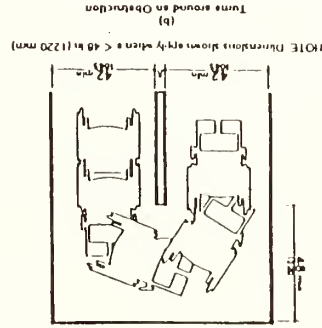
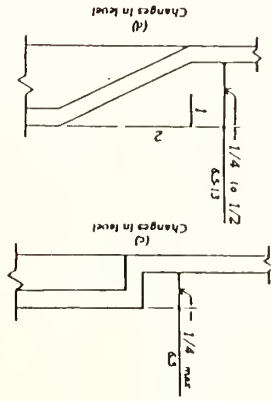


Fig. 8
Projecting Objects (Continued)



Side Reach

(b) High and Low Side Reach Limbs

(c)
Maximum Blade Reach over Obstruction

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED RULES

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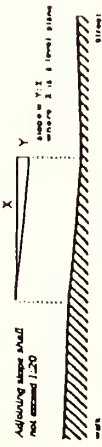


Fig. 11
Measurement of Curb Ramp Slopes

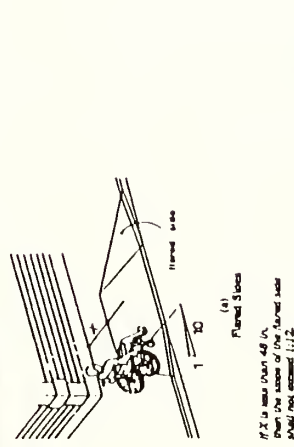


Fig. 12
Sides of Curb Ramps

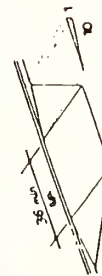


Fig. 13
Built-Up Curb Ramp

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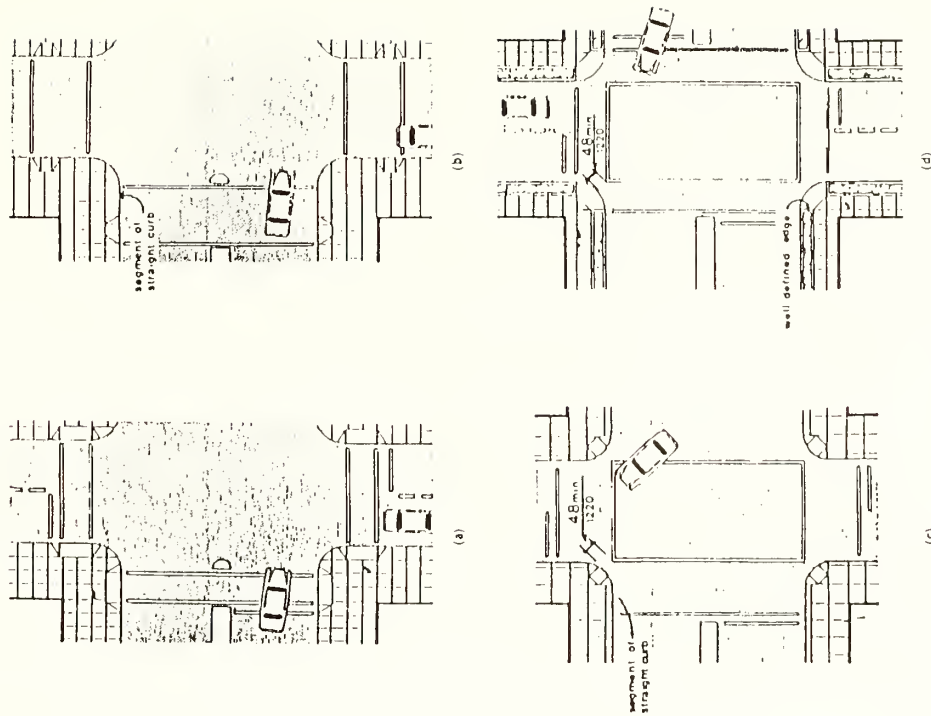
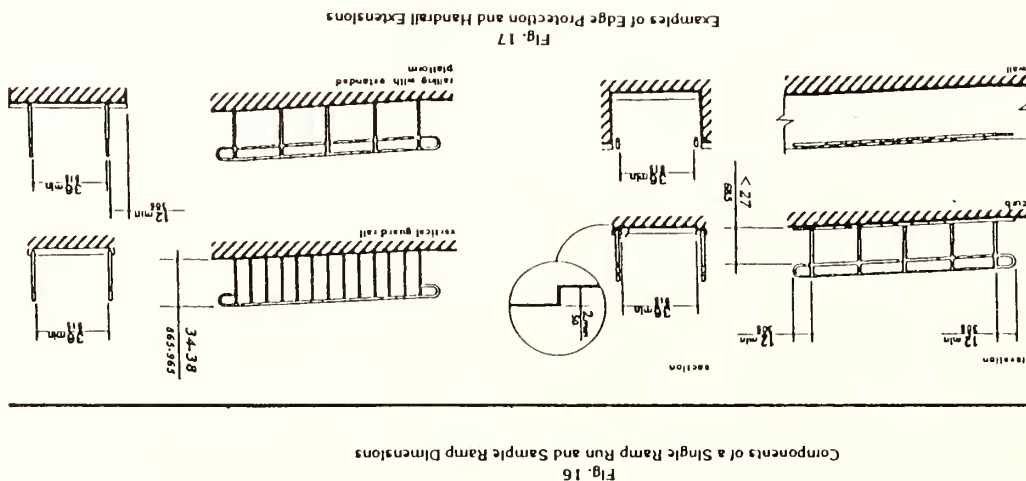
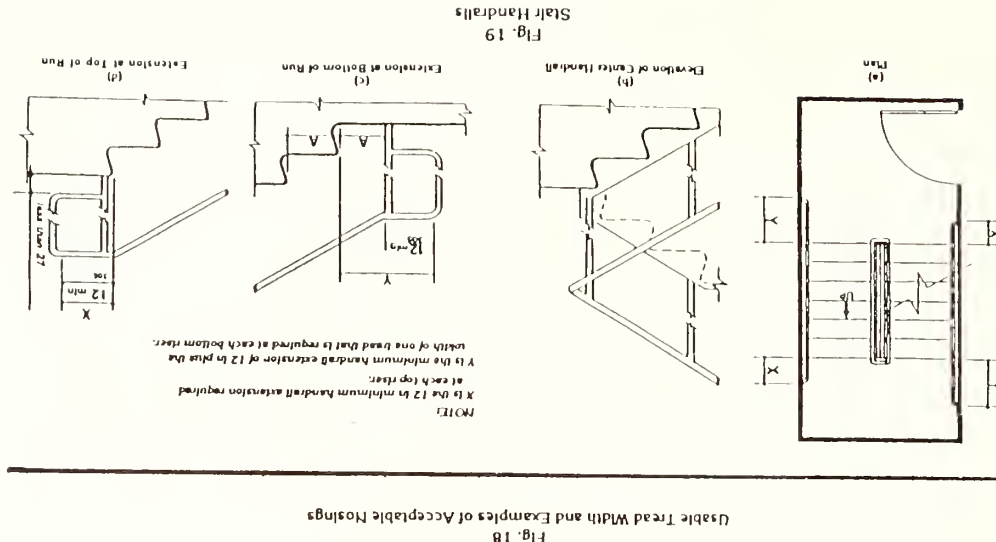


Fig. 15
Curb Ramps at Marked Crossings

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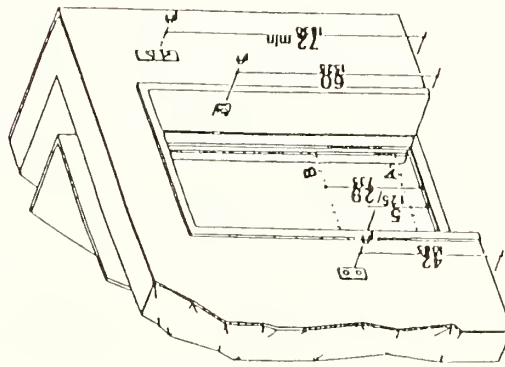


Fig. 20
Holstway and Elevator Entrances

Graph of Timing Equation

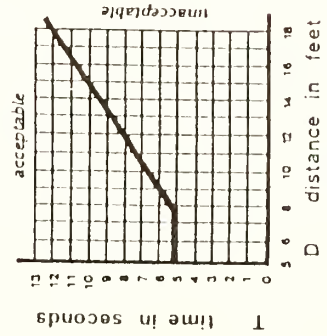


Fig. 21

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NOTICE OF PROPOSED RULES

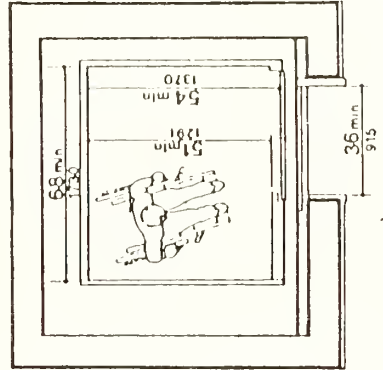
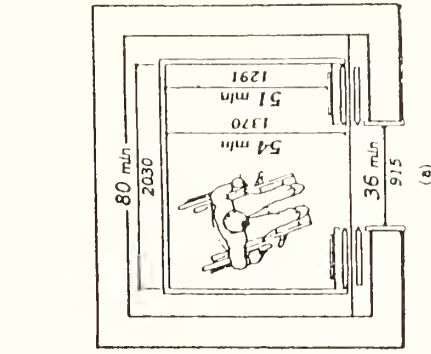


Fig. 22
Minimum Dimensions of Elevator Cars

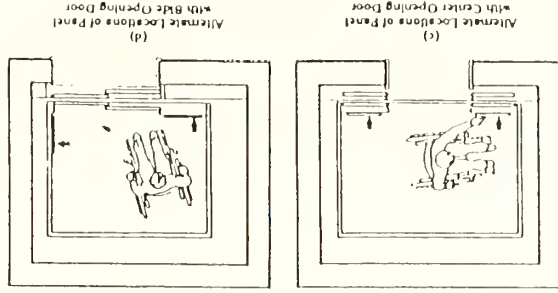
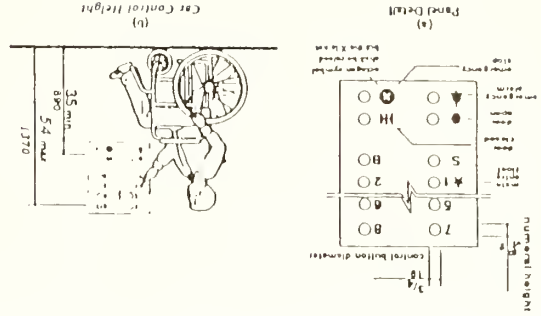


Fig. 23
Car Controls



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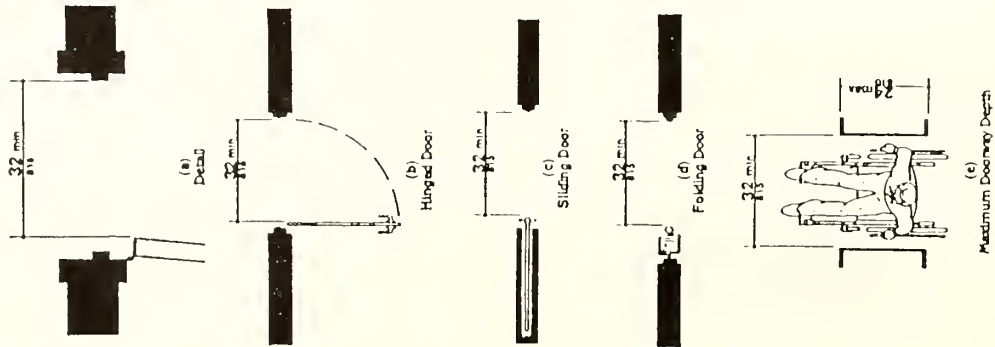


Fig. 24
Clear Doorway Width and Depth

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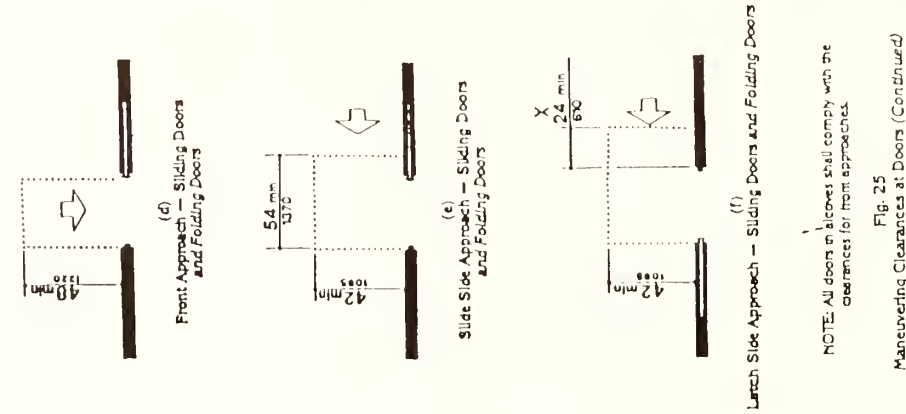


Fig. 25
Maneuvering Clearances at Doors (Continued)

Fig. 25
Maneuvering Clearances at Doors

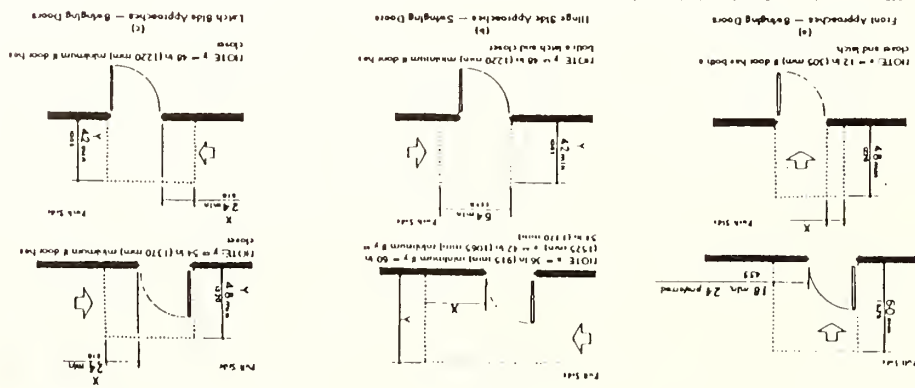
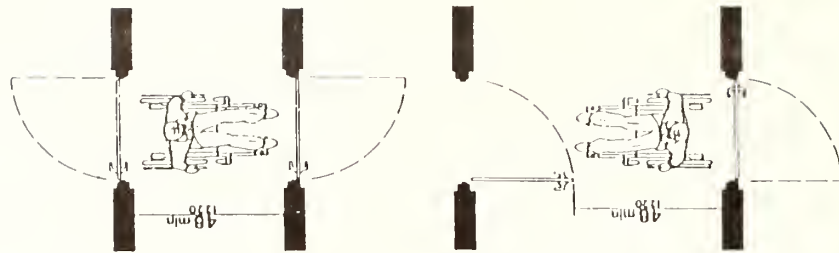


Fig. 26
Two Hinged Doors in Series



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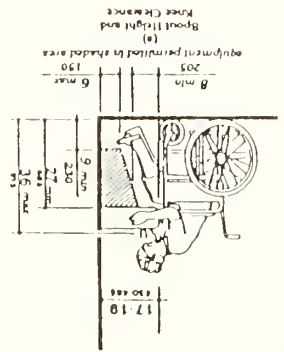
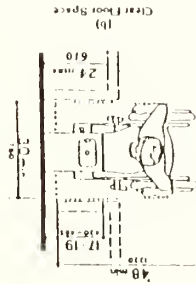
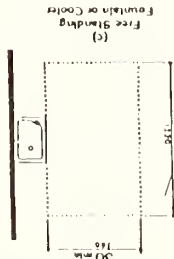
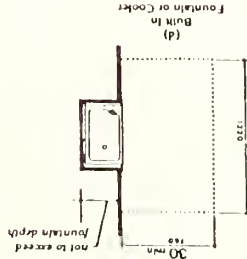


Fig. 27
Drinking Fountains and Water Coolers

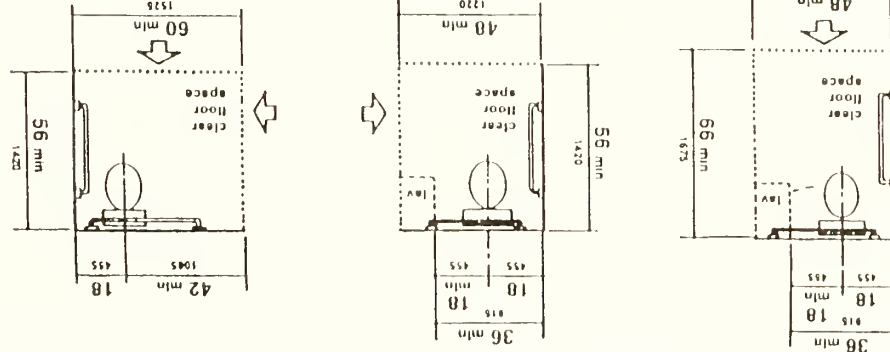


Fig. 28
Clear Floor Space at Water Closets

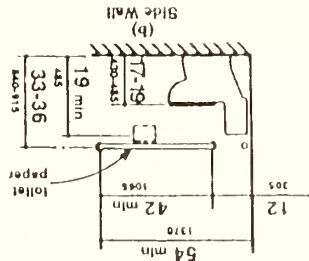
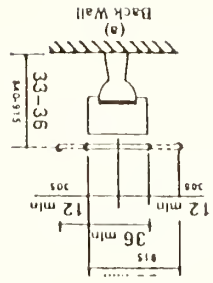
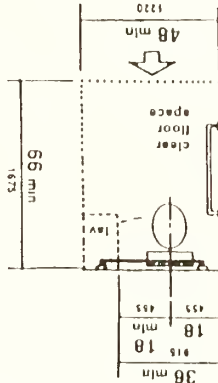
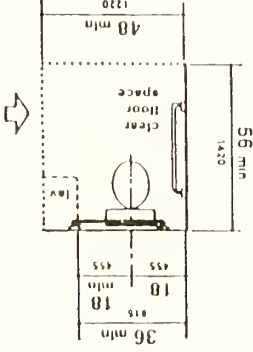
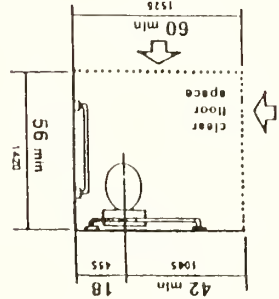


Fig. 29
Grab Bars at Water Closets

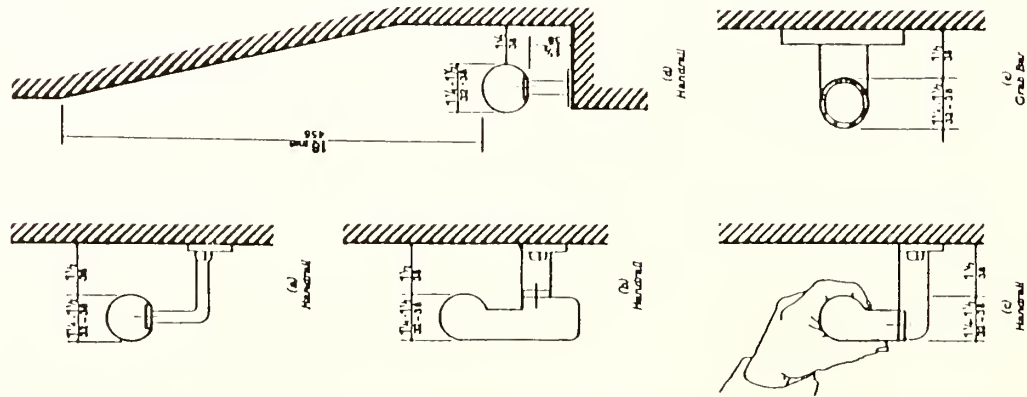
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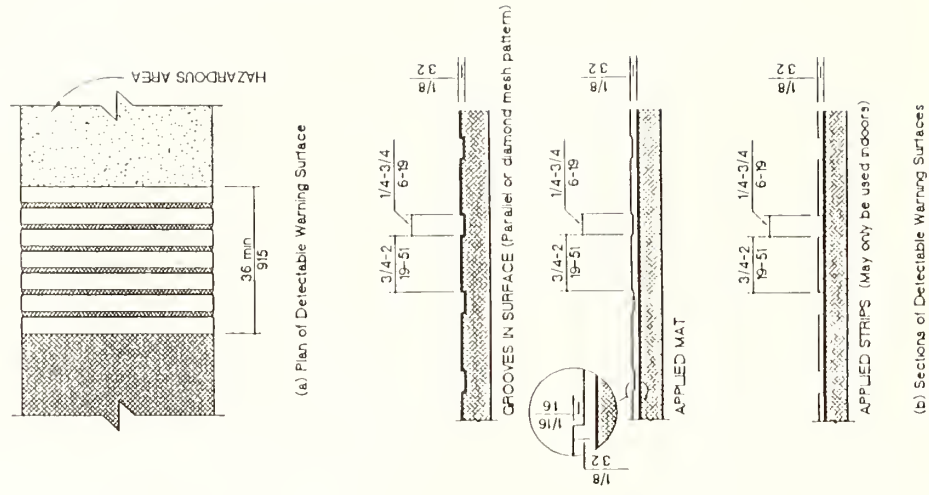
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Fig. 39
Size and Spacing of Handrails and Grab Bars

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Fig. 40
Strips and Grooves Used as Detectable Warnings on Walking Surfaces

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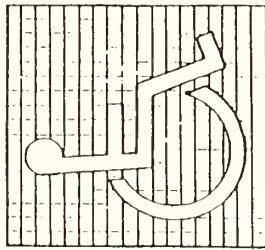
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Fig 41
Detectable Warning at Stairs

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(a)
Proportions
International Symbol of Accessibility



(b)
Display Conditions
International Symbol of Accessibility



(c)
International TDD Symbol



(d)
International Symbol of Access for Hearing Loss
Fig 43
International Symbols

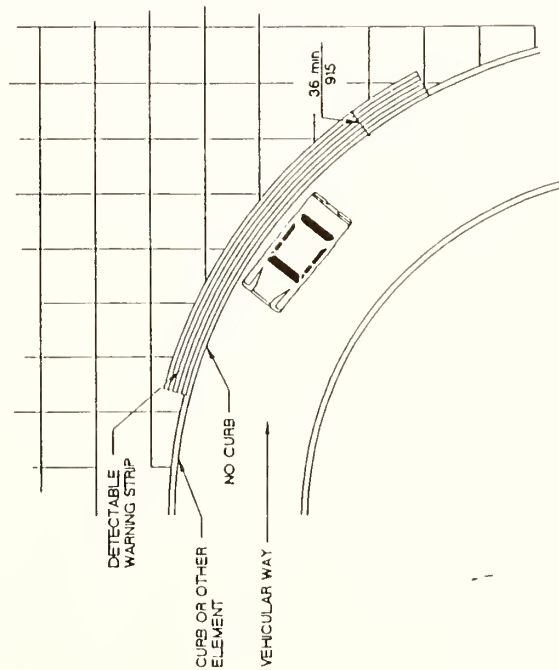
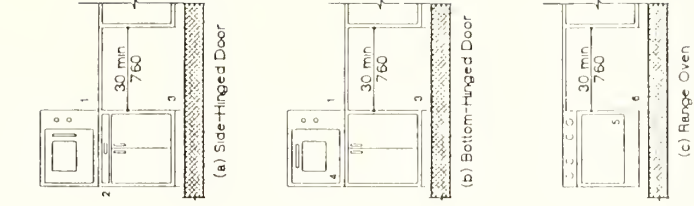


Fig 42
Detectable Warning at Hazardous Vehicular Areas

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NOTICE OF PROPOSED RULES



STUDY KEY
1. Countertop or wall mounted oven
2. Pull-out door preferred with side-opening door
3. Clear open space
4. Bottom-hinged door
5. Range oven
6. Preferred clear open space

Fig 52

Ovens without Self-Cleaning Feature

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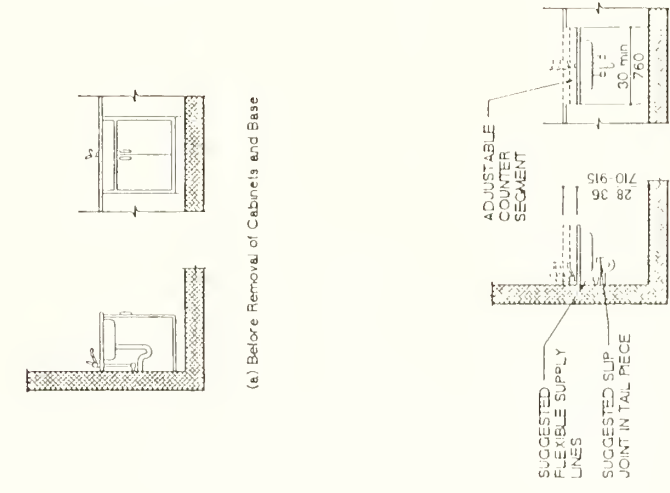


Fig 51
Kitchen Sink

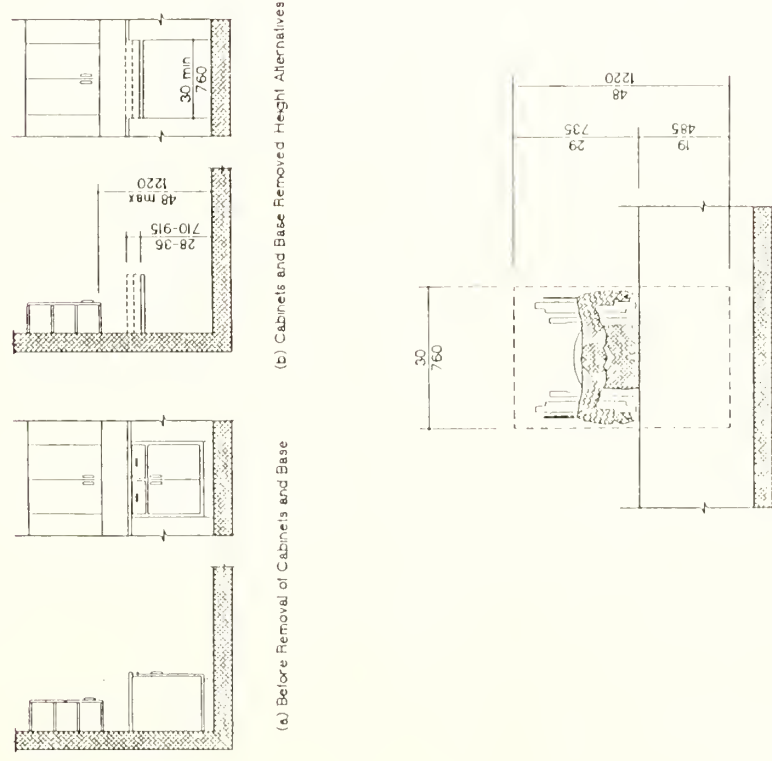


Fig 50
Counter Work Surface

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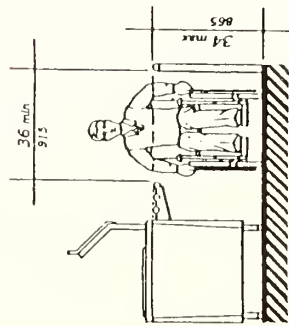


Fig. 53
Food Service Lines

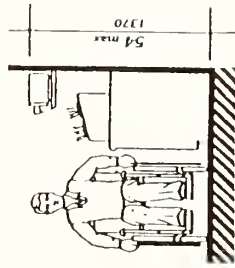


Fig. 54
Tableware Areas

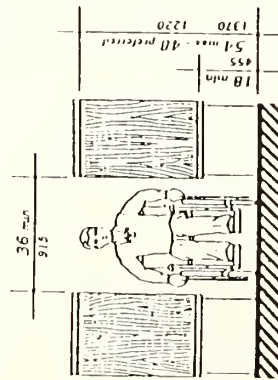


Fig. 55
Card Catalog

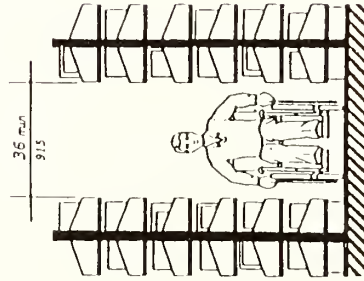


Fig. 56
Stacks

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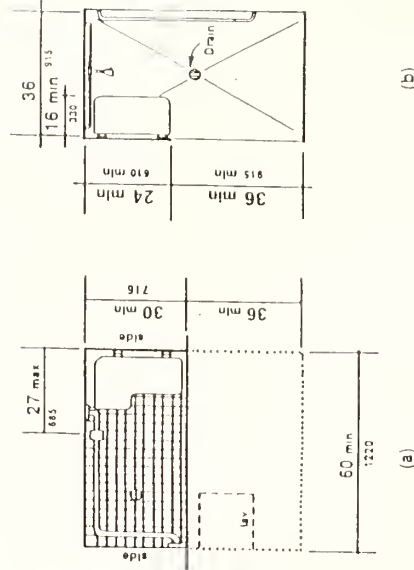


Fig. 57
Roll-in Shower with Folding Seat

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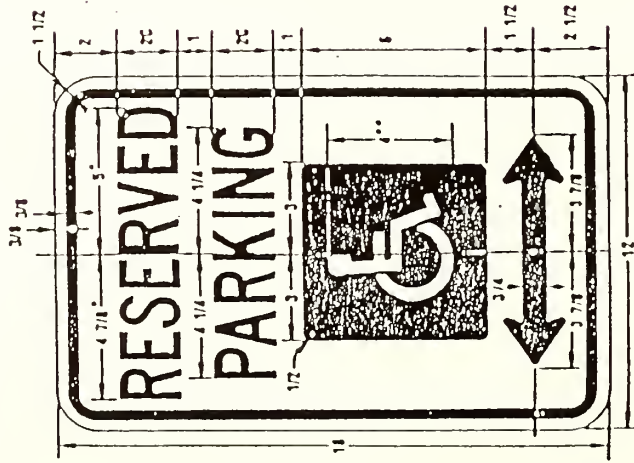
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NOTICE OF PROPOSED RULES

Section 400.ILLUSTRATION C Parking Sign

PARKING SIGN FOR SPACE DESIGNATED FOR A PERSON WITH DISABILITIES

Effective January 1, 1985, amended Sec. 11-301 of "The Illinois Vehicle Code" to require parking signs (for parking lots subject to "The Illinois Vehicle Code") to comply with R 7-8 sign shown below (U.S. Department of Transportation standard). Existing signs may remain, but their useful lives shall not be extended by any means other than normal maintenance.



Note:

This is a standard sign and may be ordered from any traffic sign supplier by number. The arrow should be omitted where there is only one space. The arrow may also be made to point in only one direction. The arrow may also be replaced by "time" such as 9AM - 5PM where a part time restriction exists. The sign must be supplemented with the Illinois Standard R7-1101 plate giving the amount of the fine for illegally parking in the reserved space(s).

R7-8
DIMENSIONS (INCHES)

COLORS
LEGEND AND BORDER - GREEN
WHITE SYMBOL ON BLUE BACKGROUND
BACKGROUND - WHITE
REDUCE SPACING 50%

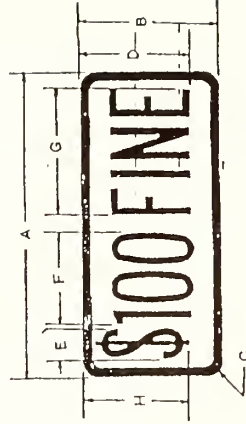
SIGN R 7-8

CAPITAL DEVELOPMENT BOARD

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Section 400.ILLUSTRATION D "\$100 Fine" Sign

ILLINOIS STANDARD
R7-1101



COLOR: LEGEND AND BORDER GREEN NON-REFLECTORIZED
BACKGROUND WHITE REFLECTORIZED

SIGN SIZE	DIMENSIONS							
	A	B	C	D	E	F	G	H
6 X 12	12.0	6.0	1.5	4.5	1.15	3.4	4.6	4.0

SIGN SIZE	SIZES		MAR- GEN	BOR- DER	BLK STD.
	LINE	1			
6 X 12	3A	0.37	0.37	B5-126	

All dimensions in inches.
To be used with R7-8

* \$=Series 3A nS.r

Rev. 10/95

1967

1967

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Licensing Standards for Day Care Centers

2) Code Citation: 89 Ill. Adm. Code 407

3) Section Numbers: Proposed Action:

407.1	Repeal
407.2	Repeal
407.3	Repeal
407.4	Repeal
407.5	Repeal
407.6	Repeal
407.7	Repeal
407.8	Repeal
407.9	Repeal
407.10	Repeal
407.11	Repeal
407.12	Repeal
407.13	Repeal
407.14	Repeal
407.15	Repeal
407.16	Repeal
407.17	Repeal
407.18	Repeal
407.19	Repeal
407.20	Repeal
407.21	Repeal
407.22	Repeal
407.23	Repeal
407.24	Repeal
407.25	Repeal
407.26	Repeal
407.27	Repeal
407.28	Repeal
407.29	Repeal
407.30	Repeal
407.31	Repeal
407.32	Repeal
407.33	Repeal
407.34	Repeal
407.35	Renumber
407.Appendix A	Amend
407.Appendix B	Amend
407.Appendix C	Amend
407.Appendix D	Amend
407.Appendix E	Amend
407.40	New
407.45	New
407.50	New

407.55	New
407.60	New
407.70	New
407.80	New
407.90	New
407.100	New
407.110	New
407.120	New
407.130	New
407.140	New
407.150	New
407.160	New
407.170	New
407.180	New
407.190	New
407.200	New
407.210	New
407.220	New
407.230	New
407.240	New
407.250	New
407.260	New
407.270	New
407.280	New
407.290	New
407.300	New
407.310	New
407.320	New
407.330	New
407.340	New
407.350	New
407.360	New
407.370	New
407.380	New
407.390	New
407.Appendix F	New
407.Appendix G	New

4) Statutory Authority: Child Care Act of 1969 (225 ILCS 10)

5) A Complete Description of the Subjects and Issues Involved: A review of licensing standards was required by the Child Care and Development Block Grant regulations. For-profit and not-for-profit day care centers, Head Start programs, church programs, community college child development programs, public health providers, and representatives from the Departments of Public Aid, Children and Family Services, Public Health, and the Office of the State Fire Marshal participated in the review.

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The Child Care and Development Block Grant Task Force created a number of subcommittees to address different areas of the licensing regulations. These subcommittees met over a period of a year, debating and discussing the issues within their purview. Well over 100 people representing every type of day care center operating in Illinois was involved in the debate and discussion. The subcommittee's recommendations were submitted to the Child Care and Development Block Grant Task Force and approved as an official product of the Child Care and Development Block Grant Task Force.

Those parts of the Child Care and Development Block Grant Task Force's recommendations which were acceptable to the Department were translated into the rulemaking format of strike-out and underscore. Further amendments were made to insure the rules were workable and in compliance with other State regulations.

Improved Safety - The changes that were accepted by the Department will improve safety in day care centers by outlining more precisely basic health and safety measures, such as proper hand washing techniques, proper diapering techniques, expectations when transporting children, use of pesticides within a day care center, and safe playgrounds. It is important to note that the Child Care and Development Block Grant Task Force relied heavily upon recognized experts in making their recommendations. Most of the recommendations came from sources such as the American Red Cross, the American Academy of Pediatrics, or the U. S. Consumer Products Safety Commission.

Sick Child Day Care - The proposed regulations allow day care centers to accept moderately and mildly ill children, such as children with colds. (Current regulations require exclusion of moderately and mildly ill children from day care.)

School-Age Day Care - The proposed regulations allow school-age day care in a school building without requiring a fire clearance from the Office of the State Fire Marshal. The Office of the State Fire Marshal has agreed to this change as long as only school age children are served. This change is likely to result in a surge of school-age programs.

Declaratory Rulings - The Department is allowing declaratory rulings for the first time. This allows a day care center or persons considering operating a day care center to request a declaratory ruling from the Department about how a specific regulation impacts them.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any proposed amendments pending on this Part? Yes

Section Numbers: Proposed Action: Illinois Register Citation:

407.31 Amend 20 Ill. Reg. 10753, August 16, 1996

10) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station #222
Springfield, IL 62701-1498
217/524-1983
TTY: 217/524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 60-day comment period. Comments submitted by small businesses should be identified as such.

Public hearings have been scheduled on these proposed amendments in the following locations. Persons are asked to limit their testimony to fifteen minutes per person. If translation or interpretation services are needed to enable participation in the public hearings, please contact the Office of Rules and Procedures as indicated above. Public hearings are scheduled as follows:

Rockford	Galesburg
February 3, 1997	February 4, 1997
4:00 p.m. - 7:00 p.m.	4:00 p.m. - 7:00 p.m.
Holiday Inn	Jumer's Continental Inn
7550 E. State Street	1-74 & E. Main Street
Rockford, Illinois 61125	Galesburg, Illinois 61401
(815) 398-2200	(309) 343-7151
Chicago	Chicago, February 6, 1997
	(continued)

February 6, 1997
10:00 a.m. - 12:00 p.m.
James Thompson Center

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

Lunch break at 12:00 p.m.
Hearing resumes at 1:00 p.m.
until 4:00 p.m.
Auditorium (Concourse Level)
100 W. Randolph Street
Chicago, Illinois 60601
312/814-6800

PART 407
LICENSING STANDARDS FOR DAY CARE CENTERS

Springfield
February 10, 1997
4:00 p.m. - 7:00 p.m.
Springfield Hilton
700 East Adams
Springfield, Illinois 62701
(217) 789-1530
Champaign
February 11, 1997
4:00 p.m. - 7:00 p.m.
University Inn and Conference Center
320 E. John Street
Champaign, Illinois 61820
(217) 384-2100
Mt. Vernon
February 20, 1997
4:00 p.m. - 7:00 p.m.
Holiday Inn
I-57 and Illinois Route 15
Mt. Vernon, Illinois 62864
(618) 244-3670

- Section
- 407.1 Purpose (Repealed)
 - 407.2 Definitions (Repealed)
 - 407.3 Effective Date of Standards (Repealed)
 - 407.4 Application for License (Repealed)
 - 407.5 Application for Renewal of License (Repealed)
 - 407.6 Provisions Pertaining to the License (Repealed)
 - 407.7 Provisions Pertaining to Permits (Repealed)
 - 407.8 Organization and Administration (Repealed)
 - 407.9 Finances (Repealed)
 - 407.10 General Requirements for Personnel (Repealed)
 - 407.11 Child Care Director (Repealed)
 - 407.12 Child Care Workers and Group Workers (Repealed)
 - 407.13 Child Care Assistants (Repealed)
 - 407.14 Use of Students (Repealed)
 - 407.15 Service Staff (Repealed)
 - 407.16 Substitutes and Volunteers (Repealed)
 - 407.17 Background Inquiry (Repealed)
 - 407.18 Admission and Discharge Procedures (Repealed)
 - 407.19 Discipline (Repealed)
 - 407.20 Personal Care and Hygiene (Repealed)
 - 407.21 Program (Repealed)
 - 407.22 Equipment and Materials (Repealed)
 - 407.23 Grouping and Staffing (Repealed)
 - 407.24 Nutrition (Repealed)
 - 407.25 Night Care (Repealed)
 - 407.26 Children with Special Needs (Repealed)
 - 407.27 Infants and Toddlers (Repealed)
 - 407.28 School-Age Children (Repealed)
 - 407.29 Health Requirements for Children (Repealed)
 - 407.30 Transportation (Repealed)
 - 407.31 Plant and Equipment (Repealed)
 - 407.32 Records and Reports (Repealed)
 - 407.33 Confidentiality of Records and Information (Repealed)
 - 407.34 Records Retention (Repealed)
 - 407.35 Severability of This Part (Renumbered)

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Day care centers.
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments require improved safety in day care centers and will require the development of protocols and additional training of staff to implement the safety measures.
- C) Types of professional skills necessary for compliance: The ability to train and direct staff in improved safety when caring for small children.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent regulatory agendas because: The Department had not decided it would accept these proposed regulations until recently.

The full text of the Proposed Amendment begins on the next page:

SUBPART A: INTRODUCTION, DEFINITIONS AND APPLICABILITY

- Section
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AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 7 Ill. Reg. 9215, effective August 15, 1983; amended at 8 Ill. Reg. 8713, effective June 15, 1984; amended at 8 Ill. Reg. 24937, effective January 1, 1985; amended at 16 Ill. Reg. 7597, effective April 30, 1992; emergency amendment at 20 Ill. Reg. 11366, effective August 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. _____, effective _____.

Section 407.1 Purpose (Repealed)

- a) The purpose of this Part is to prescribe the standards for licensure as a day-care center and to describe how to apply for a license.
- b) The licensing standards set forth in this Part are applicable to day care centers as defined in the Child Care Act of 1969.

(Source: Repealed at 21 Ill. Reg. _____, effective _____.)

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Section 407.2 Definitions (Repealed)

"Accredited"--means--accredited--by--the--North-Central-Association-of-Schools-and-Colleges--its--regional--counterparts,--or--the--National Accreditation-Council;

"Attendance"--means--the--total--number--of--children--present--at--any--one time;

"Authorized--representative--of--the--Department"--means--a--licensing representative--or--any--person--acting--on--behalf--of--the--Director--of--the Department;

"Child"--means--any--person--under--18--years--of--age;

"Child-care--facility"--means--any--person--group--of--persons--agency--association--or--organization,--which--arranges--for--or--cares--for--children unrelated--to--the--operator--of--the--facility,--apart--from--the--parents--in any--facility--as--defined--in--the--Act;--Child-care-facilities--may--be established--for--profit--or--not--for--profit. "Child-care-facility"--is further--defined--in--paragraph--2.05--in--The--Child-Care-Act--of--1969.

"Child-care--staff"--means--all--staff--members--providing--direct--care--to children;

"Child-care-worker"--means--a--staff--member--responsible--for--a--group--of infants--toddlers--or--preschool--children;

"Consultant"--means--a--person--providing--technical--assistance--or--advice regarding--any--aspect--of--the--total--operation--of--the--program;

"Day-care-center"--means--any--child--care--facility--which--regularly provides--day--care--for--less--than--24--hours--per--day--for--more--than--8 children--in--a--family--home,--or--more--than--3--children--in--a--facility--other than--a--family--home. Exclusions--from--this--definition--are--listed--in Section--2.09--of--the--Child-Care-Act--of--1969;

"Department"--means--the--Illinois--Department--of--Children--and--Family Services;

"Discipline"--means--the--ongoing--process--of--helping--children--to--develop inner--controls--so--that--they--can--manage--their--own--behavior--in--socially approved--ways;

"Employee"--means--a--paid--member--of--the--staff;

"Enrollment"--means--the--total--number--of--children--served--by--the--facility on--either--a--part--time--or--full--time--basis;

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"Governing-body"--as--used--in--this--Part,--means--the--board--of--directors of--a--corporation;--otherwise,--the--term--means--the--owners--or--other persons;--agency--association--or--organization--legally--responsible--for the--operation--of--the--day--care--agency;

"Group"--means--a--specialized--number--of--children--who--remain--together--at least--60--percent--of--the--time--they--are--at--the--facility;

"Group-worker"--means--a--staff--member--responsible--for--a--group--of school-age-children;

"Guardian"--means--the--guardian--of--the--person--of--a--minor;

"Infant"--means--a--child--from--6--weeks--to--15--months--of--age;

"License"--means--a--document--issued--by--the--Department--of--Children--and Family--Services--which--authorizes--child--care--facilities--to--operate--in accordance--with--applicable--standards--and--the--provisions--of--the--Child Care-Act--of--1969;

"License-study"--as--used--in--this--Part,--means--the--review--of--an application--for--license,--on-site--visits,--interviews,--and--the collection--and--review--of--supporting--documents--to--determine--compliance with--the--Child-Care-Act--of--1969--and--the--standards--prescribed--by--this Part;

"Licensee"--means--an--individual--agency--or--organization--who--holds--a license--or--permit--issued--by--the--Department--of--Children--and--Family Services;

"Licensing--representative"--for--the--purpose--of--this--Part,--means Department--staff--authorized--under--the--Child-Care-Act--of--1969--to examine--facilities--for--licensure;

"Licensed--capacity"--means--the--maximum--number--of--children--permitted--in the--facility--at--any--one--time;

"Newly--employed"--means--a--person--employed--within--the--facility subsequent--to--the--adoption--of--these--standards;

"Parents"--as--used--in--this--Part,--means--persons--assuming--legal responsibility--for--the--care--and--protection--of--the--child--on--a--24--hour basis;--includes--guardian--or--legal--custodian;

"Permit"--as--used--in--this--Part,--means--a--one-time-only--document--issued by--the--Department--of--Children--and--Family--Services--for--a--six-month period--to--allow--the--individuals,--agency--or--organization--to--become eligible--for--a--license;

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"Physician" means a person licensed to practice medicine in the State of Illinois.

"Program" means all activities provided for the children during their hours of attendance in the facility.

"Related" means any of the following relationships by blood, marriage, or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin.

"Related services" refers to, but is not limited to, supportive service (psychologist, medical, social or health) for children in a facility.

"Resource personnel" means physician, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators, and other technical and professional persons whose expertise is utilized in providing specialized services to children with special needs.

"Resources" may include related services mentioned above and community agencies, such as, but not limited to, libraries, university laboratories and their professional staffs, audiovisual materials, museums, and parks.

"School-age children" means children from 6 to 18 years of age.

"Service staff" means any staff member providing indirect care and services to the children in the facility, such as, driver, cook, janitor, clerical staff.

"Services to children with special needs" means services to children who exhibit one or more of the following characteristics as confirmed by clinical evaluation:

Visual impairment: the child's visual impairment is such that he or she cannot develop to his or her potential without special services.

Hearing impairment: the child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication; or the child exhibits a hearing loss which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.

Physical or health impairment: the child exhibits a physical or health impairment which requires adaptation of the physical plant.

Speech and/or language impairment: the child exhibits deviations of speech and/or language processes which are outside the range

of acceptable variation within a given environment and which prevent full social development.

Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control, or motor function.

Behavioral disability: the child exhibits an effective disability and/or maladaptive behavior which significantly interferes with his learning and/or social functioning.

Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

"Staff" means all individuals who are in contact with children in a day care center.

"Swimming pool" for purposes of this Part means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds two feet six inches (2'6") in depth. The term includes bathing beaches and pools at private residences when used for children enrolled in a child care facility.

"Toddler" means a child from 15 months to 3 years of age. The term may include a child up to 30 months of age depending upon physical or social development.

"Wading pool" for purposes of this Part means any natural or artificial basin of water less than two feet six inches (2'6") in depth which is intended for recreational bathing, water play, or similar activity. The term includes recessed areas less than two feet six inches in depth in swimming pools which are designated primarily for children.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.3 Effective Date of Standards (Repealed)

The standards prescribed in this Part shall become effective upon the date they are officially adopted and published and shall apply immediately to all facilities which have never been licensed. Day care centers licensed at the time this Part is officially adopted and published shall have one calendar year to comply with the new or revised standards.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.4 Application for License (Repealed)

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- a) The application for license shall be completed by the officers of the governing body of the day care center or its authorized representative on forms prescribed and furnished by the Department. Attached to the application shall be:
- 1) Articles of incorporation and bylaws if incorporated, indicating that the center's corporate status is in good standing with the Illinois Secretary of State;
 - 2) Statement of purpose(s) and policies as required by Section 407-9c;
 - 3) List of officers, board members and committees of the governing body;
 - 4) Three favorable personal references for each member of the governing body attesting to their character, reputation and ability to assume responsibility for the services to be offered by the day care center;
 - 5) Annual operating budget showing anticipated expenses and income;
 - 6) Staffing plan which includes job descriptions and the qualifications of the staff;
 - c) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study in order to determine that the day care center meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The applicant shall receive a copy of the license study upon written request and payment of copying costs.
 - d) A new application shall be filed:
 - 1) When an application for license has been withdrawn and the center seeks to reapply;
 - 2) When there is a change of address of the day care center;
 - 3) When there is a change of name, ownership or corporate status of the center; or
 - 4) When the Department has revoked or refused to renew a license and a new license is sought.
 - e) Approval of the Department is required to effect changes in the license capacity or the ages of children served in conformance with the requirements of Section 407-23.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.5 Application for Renewal of License (Repealed)

- a) Application forms for license renewal shall be mailed to the day care center by the Department six months prior to the expiration date of the license.
- b) The application for the renewal of a day care center license must be completed, signed by the governing body or its authorized

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- representative and submitted to the Department three months prior to the expiration date of the current license for the application to be considered timely and sufficient. In addition, revisions in items required by Section 407-4b which have not previously been submitted to the Department shall accompany the application for the renewal of a license.
- c) When a licensed day care center seeks to change its name, address, corporate status or ownership, a new application reflecting the revised status must be completed, signed by the governing body or its authorized representative and submitted to the Department thirty days prior to the effective date of the change(s). In addition, a change of name considered timely and sufficient. In addition, a change of name, corporate status or ownership shall be documented by the filing of a copy of the amended articles of incorporation or ownership agreement with the Department within thirty days of its effective date.
 - d) When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final Department decision has been made. Upon a showing of good cause by the licensee or the Department, the Department shall further extend the period in which such decision must be made in individual cases for up to 30 days. Good cause includes but is not limited to shortages of staff or forced relocation of the center. Both the request for the second extension and the Department's decision on that request shall be in writing.
 - e) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the day care center continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensee shall receive a copy of the license study upon written request and payment of copying costs.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.6 Provisions Pertaining to the License (Repealed)

- a) A day care center license is valid for 2 years unless revoked by the Department or voluntarily surrendered by the licensee.
- b) The license shall not be transferred or transmitted to another person, organization or sponsor.
- c) The licensee shall not be valid for an address other than the address shown on the license.
- d) The current license shall be displayed at the facility at all times.

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- e) Where shall be no fee or charge for the license;
- f) The number of children specified on the license shall be the maximum in attendance at the center at any one time;
- g) The facility shall operate within the license capacity ages of children served and areas used for child care as specified on the license document;
- h) Unless a day care center is in compliance with the standards prescribed by this Part, it shall not expand its services or increase its licensed capacity.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.7 Provisions Pertaining to Permits (Repealed)

- a) A permit shall not be issued prior to the following:
- 1) Completion of the application for license and submission to the Department;
 - 2) Employment of a child care director who meets the standards set forth in Section 407.10 and development of a projected staffing plan indicating the timetable by which qualified staff shall be hired;
 - 3) Fire and sanitation clearances required by Section 407.31c documented by a letter or certificate issued by the agency which conducted the inspection;
 - 4) Proof of public liability insurance as required by Section 407.811 (such proof may consist of, but is not limited to, a copy of an insurance policy binder or certificate, or a letter from the insurance carrier);
 - 5) Plan developed for emergency medical care as required by Section 407.81c(2)(i);
 - 6) Plan developed for meeting the nutrition and food service requirements of Section 407.24;
 - 7) Furnishings and equipment have been acquired for the number of children to be served the six-month permit period in accordance with Appendix C;
 - 8) Medical reports as required by Section 407.32(2) on file at the center for employed staff;
 - 9) Established procedures and forms for records and reports required by Sections 407.32;
 - 10) A written plan which indicates that requirements for a license shall be met within the permit period; and
 - 11) Demonstration of financial capability through an annual projected budget showing anticipated operating expenses and income.
- b) A permit shall not be issued retroactively;
- c) The permit shall not be renewable;
- d) The permit shall not be transferred or transmitted to another person;

- organization or sponsor:
- e) The permit shall not be valid for an address different from the address shown on the issued permit;
- f) A current permit shall be on display at the center at all times;
- g) The number of children specified on the permit shall be the maximum allowed in the facility at one time;
- h) The day care center shall not begin operations until issuance of a permit has been recommended in writing by the licensing representative and supervisor;
- i) A license shall be issued anytime within the six-month period covered by the permit provided the facility achieves compliance with the standards prescribed by this Part;
- j) Where shall be no fee or charge for the permit.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.8 Organization and Administration (Repealed)

- a) The members of the governing body of the day care center shall be legally responsible to the Department for maintaining the standards set forth in this Part; the members of the governing body shall be of reputable and responsible character as attested by the three personal references required by Section 407.4(b)(4); the governing body may delegate responsibility for day-to-day compliance with the standards;
- b) The governing body shall file with the Department written policies outlining any delegation of responsibility for compliance with this Part and lines of communication between the governing body, facility staff and parents;
- c) Where shall be current written statements of public availability covering the sponsorship purposes and goals of the service and description of the program and operating policies, procedures and forms:
- 1) Prior to enrollment, the parent(s) or guardian shall be provided information about the program and given an opportunity to observe during the hours of operation;
 - 2) The following information shall be in writing available to child care staff given to and discussed with the parent(s) or guardian at the time of a child's enrollment:
 - A) Name(s), business address and telephone number of those persons legally responsible for the program and of those persons having immediate responsibility for the daily conduct of the program;
 - B) Statement of services, purposes and goals;
 - C) Description of the daily program;
 - D) Fees and plan for payment;
 - E) Policies regarding delinquent fees;
 - F) Types of insurance coverage for children;

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- 6) Admission, enrollment, and discharge policies and procedures:
- i) Hours of operation
 - ii) Information regarding part-time enrollment, if applicable
 - iii) Holiday and vacation schedules
- 7) Arrangements for arrival and departure of children (time, location, transportation)
- 8) Provision for emergency medical care, treatment of illness and accident, which includes:
- i) A plan to obtain prompt services of physician and hospitalization, if needed;
 - ii) A plan for immediately notifying the parent or guardian of any illness, accident or injury to the child;
 - iii) A plan to acquire the services of a certified practitioner for a child exempt from medical care on religious grounds;
- 9) Formal religious observance or instruction, if any;
- 10) Visitors, trips or excursions off the premises;
- 11) Procedures concerning personal belongings brought to the center;
- 12) Policy regarding release of personal information on the child or family; and
- 13) Planned means of communication between the center and the parent(s).
- 14) The facility shall distribute a summary of the licensing standards provided by the Department, to the parent(s) or guardian of each at the time that the child is accepted for care in the facility. A summary of licensing standards shall be issued to the parent(s) or guardian of each child currently in care within sixty (60) days of the effective date of this rule. In addition, consumer information materials provided by the Department including, but not limited to, preventing and reporting communicable disease, shall be distributed to the parent(s) or guardian of each child cared for when designated for such distribution by the Department. Each child's record shall contain a statement signed by the child's parent(s) or guardian indicating that they have received a summary of licensing standards and other materials designated by the Department for such distribution.
- 15) Through interaction with the licensing representative, parent, and children and through the operation of the day-care center in compliance with requirements of this Part, the governing body and staff shall demonstrate a working knowledge of the Child Care Act of 1969, as amended, the Abused and Neglected Child Reporting Act as amended (Ill. Rev. Stat. 1903, ch. 23, pars. 2051 et seq.) and standards prescribed by this Part which affect their particular functions or responsibilities.

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- 16) The governing body shall be responsible for recruiting, hiring, and maintaining staff as required by this Part.
- 17) The governing body or others designated in writing to represent the facility shall immediately notify the Department of any major changes affecting areas of the facility's operations regulated by this Part. Such major changes include, but are not limited to, governance, location, physical plant, finances, staff and equipment needed to meet requirements of this Part.
- 18) Authorized representatives of the Department shall be admitted to the center during the hours of operation for the purpose of determining compliance with the Child Care Act of 1969 and standards set forth in this Part:
- i) The parent(s) or guardian shall be permitted to visit the facility without prior notice during the hours their child(ren) is/are in care;
 - ii) A day-care center having more than four employees shall have written personnel policies available to staff at all times. These may include, but are not limited to, job description, salary, wages, pay dates, fringe benefits, social security, workers' compensation, unemployment insurance, holidays, sick time, vacation, probationary periods, grievance procedures, promotions, termination of employment and performance evaluation;
 - iii) The facility shall carry public liability insurance in the single limit minimum amount of \$100,000 per occurrence.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.9 Finances (Repealed)

- 19) The day-care center shall maintain a degree of financial solvency to assure compliance with the standards prescribed in this Part. A center is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors. (This definition of insolvency is based on the definition contained in the United States Bankruptcy Code of 1970, 11 U.S.C. 1011.)
- 20) The center shall maintain records which shall include projected and current operating budget.
- 21) Financial records shall be maintained and kept in the State of Illinois where they shall be available for licensing review.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.10 General Requirements for Personnel (Repealed)

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- a) Staff--shall--generally--have--the--skill--and--competence--necessary--to--contribute--to--each--child's--physical--intellectual--emotional--and--social--development--Factors--contributing--to--the--attainment--of--this--standard--include:
- 1) Emotional--maturity--when--working--with--children;
 - 2) Willingness--to--cooperate--with--the--aims--of--the--facility;
 - 3) Respect--for--children--and--adults;
 - 4) Flexibility--and--patience;
 - 5) Physical--and--mental--health--which--do--not--interfere--with--child--care--responsibilities;
 - 6) Good--personal--hygiene;
- b) Child--care--staff--in--addition--to--meeting--the--requirements--of--Section--407-10(e)--shall--generally--demonstrate--skill--and--competence--necessary--to--assume--direct--responsibility--for--child--care:
- 1) Child--care--staff--shall--demonstrate--the--skills--to--help--children--meet--their--developmental--and--emotional--needs;
 - 2) Child--care--staff--shall--demonstrate--skill--in--planning--directing--and--conducting--programs--that--meet--the--children's--basic--needs;
 - 3) Child--care--staff--shall--be--willing--to--participate--in--activities--leading--to--professional--growth--in--child--development;
- c) No--individual--shall--be--in--contact--with--children--cared--for--in--a--day--care--center--whom--within--the--preceding--10--years:
- 1) Has--been--identified--through--circuit--court--(juvenile--criminal--or--civil--proceedings--as--having--been--a--perpetrator--of--child--abuse--or--child--neglect--or--child--sexual--abuse--or--through--the--Department's--investigatory--process--in--accordance--with--the--Abused--and--Neglected--Child--Reporting--Act--(Ill. Rev. Stat. 1991, ch. 23, pars. 2051--et seq.)--as--having--been--a--perpetrator--of--an--indicated--incident--of--child--abuse--child--neglect--or--child--sexual--abuse--or
 - 2) Is--awaiting--an--investigative--decision--or--trial--on--such--charges;
 - 3) For--the--purposes--of--Section--407-10(f)--identification--through--circuit--court--proceedings--includes:
 - A) Specific--findings--by--a--court--that--a--child's--neglect--or--dependency--is--the--result--of--physical--abuse--inflicted--by--a--parent--guardian--or--legal--custodian;
 - B) Criminal--convictions--and--civil--judgments--regardless--of--the--type--of--sentence--imposed--or--amount--of--damages--recovered--for--offenses--relating--to--child--abuse--child--neglect--or--child--sexual--abuse--resulting--from--jury--trials--bench--trials--(court--trials--or--voluntary--guilty--pleas).
- d) Except--as--stated--in--Section--407-10(f)--an--individual--convicted--of--a--crime--which--not--automatically--be--prohibited--from--contact--with--children--cared--for--in--a--day--care--center--solely--because--of--the--conviction--instead--the--governing--body--or--its--authorized--representative--shall--consider--the--following:
- 1) The--type--of--crime--for--which--the--individual--was--convicted;
 - 2) The--number--of--crimes--for--which--the--individual--was--convicted;
 - 3) The--nature--of--the--offenses;

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- 4) The--age--of--the--individual--at--the--time--of--conviction;
 - 5) The--length--of--time--that--has--elapsed--since--the--last--conviction;
 - 6) The--relationship--of--the--crime--and--the--capacity--to--care--for--children;
 - 7) Evidence--of--rehabilitation--and
 - 8) Opinions--of--community--members--concerning--the--individual--in--question;
- e) Newly--employed--staff--shall--present--the--report--of--a--physical--examination--which--took--place--no--more--than--six--months--prior--to--employment--which--provides--evidence--that--they--are--free--of--communicable--diseases--including--active--tuberculosis--or--physical--or--mental--conditions--which--could--affect--their--ability--to--perform--assigned--duties:
- f) Cooks--kitchen--helpers--and--others--assisting--in--the--preparation--serving--and--handling--of--food--and--cooking--serving--utensils--shall--make--their--positions--known--to--the--examining--physician--and--shall--comply--with--the--rules--and--regulations--of--the--Illinois--Department--of--Public--Health--pertaining--to--Food--Service--Sanitation--(77--Ill. Adm. Code--790);
 - g) Staff--shall--have--physical--re--examinations--every--two--years--and--whenever--communicable--disease--or--illness--is--suspected;
 - h) A--staff--member--experiencing--fever--sore--throat--vomiting--or--diarrhea--shall--not--be--responsible--for--food--handling--or--the--care--of--children;
 - i) Except--during--the--first--hour--of--operation--daily--the--center--shall--have--at--least--one--staff--member--trained--in--the--administration--of--first--aid--on--duty--at--all--times.
- (Source: Repealed at 21 Ill. Reg. _____, effective _____)
- Section 407.11 Child Care Director (Repealed)
- a) Except--during--the--center's--first--hour--of--operation--daily--the--child--care--director--or--a--designated--employee--meeting--the--requirements--of--this--Section--shall--be--at--the--facility--at--all--times;
 - b) A--qualified--individual--shall--be--designated--as--full--time--director--of--each--facility:
 - 1) The--child--care--director--shall--be--at--least--21--years--of--age;
 - 2) The--child--care--director--shall--have--a--high--school--diploma--or--equivalent--certificate;
 - 3) In--addition--to--meeting--the--requirements--of--Section--407-10--the--child--care--director--of--a--facility--serving--the--same--number--of--groups--of--pre--school--and--school--age--children--or--more--groups--of--pre--school--children--than--groups--of--school--age--children--shall--have--achieved:
 - A) Two--years--of--credit--from--an--accredited--college--or--university--with--10--semester--or--equivalent--quarter--hours--in--courses--related--directly--to--child--care--and/or--child--development--from--birth--to--age--six--or

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- B) Two years (3120 clock hours) of child development experience in a nursery school, kindergarten, or licensed day-care center; one year of college credits with 10 semester or equivalent quarter hours in courses related directly to child care and/or child development; and proof of enrollment in an accredited college or university until two years of college credit have been achieved. A total of 10 hours in courses related directly to child care and/or child development is required to be obtained within the total two years of college credits or
- E) Completion of the credentialing program of the CBA-National Credentialing Award System (the Child Development Associate 1902) with a current credential as a Child Development Associate; completion of 12 semester or equivalent quarter hours in courses related to child care and/or child development from birth to age six at an accredited college or university; and 2 years (3120 clock hours) of child development experience in a nursery school, kindergarten or licensed day-care center.
- 4) In addition to meeting the requirements of Section 407.107, the child-care director of a facility serving more groups of school age children than groups of pre-school children shall have achieved:
- A) Two years of credit from an accredited college or university with 10 semester or equivalent quarter hours in courses related to child care and/or child development, including courses related to school-age children, or
- B) Two years (3120 clock hours) of child development experience in a recreational program or a licensed day-care center serving school-age children; one year of college credits with 10 semester or equivalent quarter hours in courses related directly to child care and/or child development; and proof of enrollment in an accredited college or university until two years of college credit have been achieved. A total of 10 hours in courses related directly to child care and/or child development, including courses related to school-age children, is required to be obtained within the total two years of college credits.
- 5) Completion of a teacher training program accredited by the American Montessori Society or Association; Montessori International may be substituted for the courses directly related to child care and/or child development required by this Section. Persons holding a Montessori pre-primary credential may supervise children through age 6; persons holding a Montessori primary or elementary credential may supervise children 6 years of age or older.
- 6) Persons who are currently employed as a director and who meet the qualifications of the position at the time of their most recent

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- employment are considered qualified. Persons who are currently employed as directors and are working toward becoming fully qualified for the position of director under the standards in force at the time of their most recent employment must continue to work to meet those qualifications until completed and shall complete them within two years of the effective date of this rule.
- C) The child-care director shall be responsible for the planning and supervision of the program and activities of the children, orientation to newly employed staff, on-site supervision of all staff, and in-service training totaling a minimum of 15 clock hours per year for each member of the child-care staff. Orientation and training shall include health and safety procedures, planned program activities, and meal patterns at the center, and special health development or nutritional needs of children assigned to individual child-care staff.
- D) Day-care centers licensed for fifty or fewer children or half-day programs with children attending no longer than three consecutive hours per day regardless of capacity may employ a child-care director who serves also as child-care worker. Where the director serves in both capacities, he/she must meet the qualifications of child-care director. When the director must attend to non-teaching responsibilities, his/her group must be supervised by a person qualified to be in charge of a group.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.12 Child Care Workers and Group Workers (Repealed)

- A) Child-care workers shall be at least 19 years of age.
- B) Child-care workers shall have a high school diploma or equivalency certificate.
- C) In addition to meeting the requirements of Section 407.10, the child-care worker responsible for a group of children under age six shall have achieved:
- 1) Two years of credits from an accredited college or university with six semester or equivalent quarter hours in courses related directly to child care and/or child development, from birth to age six or age six and over
- 2) One year (1560 clock hours) of child development experience in a nursery school, kindergarten or licensed day-care center and one year of credits from an accredited college or university with six semester or equivalent quarter hours in courses related directly to child care and/or child development, from birth to age six or age six and over
- 3) Completion of the credentialing program of the CBA-National Credentialing Award System (the Child Development Associate 1902) with a current credential as a Child Development Associate (CDA); group workers shall be at least 19 years of age and at least five

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years older than the oldest child with whom they work in addition to meeting the requirements of Section 407.10, the newly employed group worker responsible for a group of school age children shall have achieved:

- 1) Two years of credits from an accredited college or university with six semester or equivalent quarter hours in courses related directly to child care and child development for school age children; or
- 2) One year (1560 clock hours) of experience working directly with school age children and six semester or equivalent quarter hours from an accredited college or university in psychology, recreation or child development; or
- 3) A high school diploma or equivalency certificate plus two years of full-time experience in a field related to programming for school age children;
- 4) Completion of a teacher training program accredited by the American Montessori Society or Association Montessori Internationale may be substituted for the courses directly related to child care and/or child development required by this Section. Persons holding a Montessori pre-primary credential may supervise children through age 6; persons holding a Montessori primary or elementary credential may supervise children 6 years of age or older;
- 5) Persons who are currently employed with the responsibilities of a child care worker or group worker and who meet the qualifications of the position or a comparable position at the time of their most recent employment are considered qualified. Persons who are currently employed with the responsibilities of child care worker or group worker and are working toward becoming qualified for the position of child care worker or group worker or a comparable position under the standards in force at the time of their most recent employment must continue to work to meet those qualifications until completed and shall complete them within two years of the effective date of this rule;
- 6) Child care workers and group workers shall be responsible for the planning and supervision of a group of children. Child care workers and group workers shall also be responsible for supervising persons assigned to assist their group who are not similarly qualified.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.13 Child Care Assistants (Repealed)

- a) Child care assistants shall meet the requirements of Section 407.10 with the exception of subsection (b);
- b) Child care assistants shall have a high school diploma or equivalency certificate (GED);
- c) Child care assistants shall work under the direct supervision of a

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child care worker or group worker and shall not assume full responsibility for a group of children:

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.14 Use of Students (Repealed)

- a) Students in a field study placement, a practicum or vocational child care training program may assist in the care of the children only under the direct supervision of a child care worker or group worker;
- b) Students 14 years of age or older who assist in the classroom must be at least 5 years older than the oldest child for whom they care and may not be counted for purposes of maintaining the child/staff ratio except as provided in subsection 407.14(c);
- c) Students who have completed one year of a vocational child care training program and are 16 years of age or older who assist in the classroom must be at least 5 years older than the oldest child for whom they care. These students may be child care assistants when they regularly work less than four hours per day except during vacation periods when they may not work more than six (6) hours per day. In these cases they may be counted for purposes of maintaining child/staff ratio requirements provided the number of students does not exceed one third of the total staff required to be present at any one time;
- d) Employment or use of students shall not be in violation of the Illinois Child Labor Law (Ill. Rev. Stat. 1981y-ch. 48, pars. 3-11 et seq.) or the child labor provisions of the Federal Fair Labor Standards Act (29 U.S.C. 214);
- e) A plan for student participation shall be mutually agreed upon in writing by the staff, the representative from the educational institution and the student participant where students are enrolled in a vocational child care training program. A field study placement or a practicum course. The written plan shall be in the student's personnel file within the facility;
- f) There shall be a written agreement regarding the procedures for terminating an unsatisfactory student.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.15 Service Staff (Repealed)

- a) Service staff shall have the same personal qualifications as required of other staff (Section 407.10a);
- b) There shall be sufficient service staff so that assignment of service duties shall not interfere with the child care staff responsibilities for the direct care of the children;

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(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.16 Substitutes and Volunteers (Repealed)

- a) Substitutes shall have the same personal, health, administrative, and professional qualifications required of staff for whom they substitute.
- b) Persons agreeing to be available as substitutes or for use in emergencies shall sign a written statement kept on file in the facility certifying to their availability and agreement to serve in this capacity. This file shall be kept current.
- c) Volunteers shall meet the same personal and health requirements required of other staff (Section 407.10).
- d) Volunteers may serve in any capacity for which they are qualified.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.17 Background Inquiry (Repealed)

As a condition of issuance or renewal of a license by the Department, the day care center shall require all prospective and current employees who have direct contact with children to furnish written information on any offenses for which they have been convicted in accordance with 89 Ill. Adm. Code 358. Background Inquiry for Purchase of Service Providers. The governing body at its discretion may require volunteers and subcontractor employees who have direct contact with children to respond to written questions about their backgrounds.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.18 Admission and Discharge Procedures (Repealed)

- a) The center staff shall ensure that admission procedures provide sufficient information to enable the parent and the child care staff to make decisions or act on behalf of the child with regard to his or her life at the facility. Admission data obtained shall be on file at the facility and shall include:
 - 1) Identifying information and social and personal information to describe the child, recorded as prescribed in Section 407.327 Records and Reports.
 - 2) Reports of health examinations, unless waived in accordance with Section 407.29(a).
 - 3) Professional evaluations required for admission of children with special needs.
 - 4) Signed consent forms from parents, guardian, or persons designated by the parents in writing, including:

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- A) Health care and treatment, including emergency first aid.
- B) Formal religious instruction, if applicable.
- C) Use of photographs of children for publicity purposes, if applicable.

B) Visits, trips or excursions off the premises, when appropriate.

B) Child's involvement in research, if applicable.

F) Daily release of the child.

G) Participation in athletic activities, such as swimming or gymnastics.

H) Use of facility transportation, if applicable.

b) The center shall admit only those children eligible under the facility's written admission policies.

c) Evidence of child abuse shall be reported immediately to authorities as required by the abused and Neglected Child Reporting Act, as amended (111 Rev. Stat. 1981, Ch. 23, Pars. 2051 et seq.).

d) Children served in the day care center shall not remain on the premises for more than 12 hours in any 24-hour period.

e) Children shall be admitted and discharged under circumstances which ensure protection of their own and other children's physical and emotional well-being.

1) The staff shall be alerted to the child's arrival and given the information necessary to help make the child's initial adjustment as comfortable as possible.

2) The staff shall understand and consider the child's individual background and needs.

3) The staff directly responsible for the child shall be alerted to any personal circumstances which may require special handling.

4) Any child who, after attempts have been made to meet the child's individual needs, demonstrates inability to benefit from the type of care offered by the facility or whose presence is detrimental to the group shall be discharged from the facility.

5) In all instances when a facility decides that it is in the best interest of the child to terminate enrollment, the child's and parents' needs shall be considered by planning with the parents to meet the child's needs when he or she leaves the facility, including referrals to other agencies or facilities.

6) The child care staff shall conduct a daily pre-admissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the child care staff shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child.

7) Any child in attendance who becomes ill or who is suspected of illness shall be immediately isolated from the group and shall be removed from the facility as soon as possible.

8) A child who does not appear to be fully recovered from an illness

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shall not be readmitted to the center unless there is a statement by an attending physician that the child is able to return and participate in the activities of the facility.

f) A child shall be discharged from the facility only to the child's parent(s) or guardian or to a person designated in writing by the parent(s) or guardian to receive the child.

g) The staff shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized in writing by the parent(s) or guardian to receive the child. Persons not known to the staff shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.

h) When a child is released in accordance with the written instructions of the parent(s) or guardian to a person other than the parent(s) or guardian, the facility shall maintain a record of to whom the child was released, and the date and time that the child was released.

i) Other discharge provisions of this Section notwithstanding, a child leaving the day care center to attend school shall be released in accordance with the written authorization of the parent(s) or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.19 Discipline (Repealed)

a) The facility staff shall use disciplinary measures designed and carried out in such a way as to help individual children develop self-control and to assume responsibility for their own acts.

b) Simple, understandable rules shall be established in writing for both children and staff. These rules shall set the limits of behavior required for the protection of the group and individuals within it.

2) Discipline shall be the responsibility of adults who have an ongoing relationship with a child.

3) Discipline shall be developmentally related to the child's act and shall not be out of proportion to the particular inappropriate behavior. The child shall be made aware of the relationship between the act and the consequences.

4) Removal from the group as a means of helping a pre-school child gain control shall be for periods not to exceed 15 minutes per occurrence.

5) If there is an assessment of a child's pattern of unacceptable behavior, the entire staff shall be aware of it and cooperate in carrying out the specific plan developed for him or her.

6) Firm, positive statements about or redirection of behaviors shall

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be the effective controlling techniques used with infants and toddlers.

7) Discipline shall encourage self-discipline including when appropriate allowing school-age children to solve their own interpersonal conflicts.

b) No child shall be subjected under any circumstances to corporal punishment inflicted in any manner upon the body or to verbal abuse or be deprived of regularly scheduled meals or any part of a meal as punishment or punished for toilet accidents.

c) Methods of discipline and means of managing the behavior of a child which are not cited in this Section shall be in accordance with 89 Ill. Adm. Code 384 - Discipline and Behavior Management in Child Care Facilities.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.20 Personal Care and Hygiene (Repealed)

a) A child's wet or soiled clothing shall be changed immediately.

b) Children's hands shall be washed before and after meals and after toileting.

c) Children shall have shower, tub or sponge baths to ensure bodily cleanliness when necessary.

d) Toilet articles such as comb, brush, toothbrush, towels and washcloths used by children shall be individually provided by parent(s) or facility, plainly marked and stored individually in a sanitary manner in areas which promote drying. Single use and disposable articles are acceptable.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.21 Program (Repealed)

a) Each child shall be recognized as an individual whose personal privacy, choice of activities, ethnicity and religious background shall be respected.

b) The staff of the facility shall demonstrate that the parents are encouraged to visit the facility and observe and participate in the experience of their children.

c) The program shall include opportunities for a child to have free choice of activities to play alone, if desired, or with one or several chosen peers.

d) The facility shall provide a basic program of activities geared to the age levels and developmental needs of the children served. The daily program shall be posted and shall provide

i) Regularity of such routines as eating, napping and toileting

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with sufficient flexibility to respond to the needs of individual children;

- 2) A balance of active and quiet activity;
- 3) Both indoor and outdoor activities in which children make use of both large and small muscles;
- 4) Occasional trips and activities away from the facility (frequency to be determined by the day care center);
- 5) A supervised nap period for children under six years of age who remain five or more hours; this nap period for the group should not normally exceed two and one-half hours; children who remain for as long as four consecutive hours shall have a supervised rest period;

e) The daily program of the facility shall provide experiences which promote the individual child's growth and well-being and the development of self-help and communication skills; social competence and positive self-identity;

f) Program planning shall provide the following:

- 1) A variety of activities which takes into consideration individual differences in interest, attention span, and physical and intellectual maturity;
- 2) Sufficient time for activities and routines so that the children can manage them and progress at their own developmental rate;
- 3) Sufficient materials and equipment to avoid excessive competition and long waits;
- 4) Program planning so that the children are not always required to move from one activity to another as a total group;
- 5) A program that avoids long waiting periods between activities and prolonged periods during which the children must stand or sit and
- 6) Provision for privacy through arranging a small, quiet area that is easily accessible to the child who seeks or needs time to be alone;

g) The program shall take into account the stress and fatigue that result from constant pressures and stimulation of long hours in a group living situation;

h) Activity areas, equipment, and materials shall be arranged so that staff can be easily aware of the child's presence and activity at all times;

i) Equipment shall be arranged in orderly, clearly defined areas of interest with sufficient space in each area for the children to see various activities available to them;

j) Staff assignments shall be such that children experience comfortable ongoing relationships with adults; every attempt shall be made to establish a primary relationship between each child and one adult;

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.22 Equipment and Materials (Repealed)

- a) Equipment and materials for both indoor and outdoor use shall be appropriate to the age and developmental needs of the children served. Such equipment and materials for infants, toddlers and preschool children shall be provided in the quantity and variety specified in Appendix G (Minimum Equipment and Supplies--Pre-School Programs) and Appendix B (Minimum Equipment and Supplies--Infant and Toddler Programs);
- b) Outdoor equipment shall be placed so as to avoid collisions and accidents while still permitting freedom of action by the children; Supports for climbing apparatus and large equipment shall be securely fastened to the ground;
- c) Where shall be a soft resilient surface or a pad under all climbing equipment from which children may fall;
- d) Sandboxes shall be covered when not in use and shall be cleaned daily of animal fecal matter if present;
- e) Outdoor storage shall be available for equipment not permanently secured to the ground unless indoor storage space is available;
- f) Healthy household pets which present no danger to children are permitted on the premises unless prohibited by local health regulations; A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies;
- 1) All animals shall be physically separated from children both indoors and outdoors except as a portion of a specifically planned program activity under the direct supervision of a staff member;
- 2) Immediate treatment shall be obtained for any child who sustains a bite or scratch from an animal and the child's parent(s) shall be notified; in addition, the county animal control administrator or designated agent shall be notified and provisions of the Illinois Animal Control Act (Ill. Rev. Stat. 1981, ch. 8, pars. 351 et seq.) shall be followed;

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.23 Grouping and Staffing (Repealed)

- a) The facility shall provide staff to ensure the care and safety of the children at all times;
- 1) The ratio of child care staff to children present at any one time shall be as follows:

Age	Staff	Children
_____	_____	_____

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Infants-(6-wks.-to-15 mos.)	1	4
Toddlers-(15-mos.-to-2 years)	1	5
2-years	1	0
3-years	1	10
4-years	1	10
5-years-kindergarten	1	20
School-age	1	20
Mixed-Ages	Staff	Children
2-3-years	1	0
2-5-years	1	0
3-4-years	1	10
4-5-years	1	10
4-5-years	1	10
School-age	1	20

2) The total number of children in any one group shall not exceed the following maximum number at any one time:

Infants	12
Toddlers	15
Infants/Toddlers	14
two-to-three-year-olds	16
two-to-four-year-olds	16
two-to-five-year-olds	16
three-to-four-year-olds	20
three-to-five-year-olds	20
four-to-six-year-olds	20
six-year-olds-and-older	30

3) The following exception to Section 407-23(a) is permitted: a child-care worker or group worker aided by a child-care assistant may supervise a group of up to 30 children 5 years of age or older. However when the number of school-age children in a group exceeds 20, the group shall be supervised by a group worker.

4) Facilities licensed for 10 or fewer three-to-five-year-old children operating with only one regular staff person shall provide:

- A) A daily assistant to help at those times when attention must be given to activities other than direct care of children;
- B) At least two persons who can respond to a call and be on the premises within five minutes so that the adult in charge will not have to leave the children unattended;
- C) A substitute who shall be familiar with the children and program.

b) The facility shall have developed a staffing plan which organizes the staff and enables them to give continuity of care and supervision to

the children on a day-by-day basis:

- 1) Staff changes shall be minimized so that the child can experience consistent relationships with as few adults as possible;
- 2) Staff shall be aware of the presence and activities of the children under their care;
- 3) Substitutes shall be provided for staff needed to meet the requirements of this part;
- 4) Substitutes shall visit the facility to become generally familiar with the program in advance of the time they may be called;
- 5) With the exception of infants and toddlers, children may be under the direct supervision of staff in the same room of 50 or less staff required by this Section during nap times provided the required staff-to-child ratio is maintained on the premises; infants and toddlers shall be under the direct supervision of staff required by this Section at all times;
- 6) Children shall not be left unattended at any time.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.24 Nutrition (Repealed)

- a) Food requirements for children between 6 weeks and the age of eating table food shall be geared to the needs of the individual child and determined by consultation with the parents;
- b) The main meal for children between birth and the age of eating table food shall be nutritionally balanced, conforming to age-appropriate portions and variety as reflected on the Meal Pattern Chart for Children 0 to 12 Months of Age, (Appendix A) unless otherwise indicated by parent(s) in consultation with a physician;
- c) Children one year of age and older in attendance for more than two but less than five hours shall be served a mid-session snack consisting of one-half cup of pure fruit juice or full strength canned or frozen fruit juice which contains at least 30 milligrams of vitamin C per serving or one to one-half cup of pasteurized milk or one serving of citrus fruit; if the child's hours at the facility coincide with any meals and snacks that are provided by the facility, the child shall be served those meals and snacks;
- d) Children one year of age and older who are in attendance five to ten hours shall be served a quantity of food that will supply 1/3 to 1/2 of their recommended dietary allowances; this shall include a mid-morning and a mid-afternoon snack which conforms to Section 407.24(e) and a nutritious meal conforming to age-appropriate portion reflected in the Meal Pattern Chart For Children Over One Year of Age (Appendix B);
- e) The main meal shall be a hot meal except during the months of June through September when a cold meal conforming to Meal Pattern Chart (Appendix B) may be substituted.

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f) A snack in conformance with Section 407.24 (c) shall be served to school-age children when they arrive at the facility after school.

g) Children who come to the facility from school for a lunch program shall be served a nutritionally balanced meal in accordance with the Meal Pattern Chart (Appendix B).

h) School-age children shall be served alone or with younger children if this can be accomplished without disruption to the ongoing program.

i) Menu requirements:

1) Menus shall be planned, dated, and posted for one week in advance, and corrected as served. Corrected menus shall be on file at the center and available for review by the licensing representative. Current menus shall be posted.

2) Menus shall be planned with consideration for cultural and ethnic patterns, but must also be nutritionally equivalent to the requirements of this Section.

3) Catered foods shall meet the requirements of this Section.

4) Lunches shall not be brought from home as a substitute for a meal provided by the facility. Picnic lunches which conform to Meat Pattern Chart for Children Over One Year of Age (Appendix B) may be served.

j) Provisions of this Section notwithstanding, a child requiring a special diet due to medical reasons, allergic reactions, or religious beliefs shall be provided meals and snacks in accordance with the child's needs and the written instructions of the child's parent(s), guardian, or a licensed physician. Such instructions shall list any dietary restrictions, requirements, and shall be signed and dated by the child's parent(s), guardian, or physician requesting the special diet. The center may request the parent(s) or guardian to supplement food served by the center. When food is supplied by the parent(s) or guardian, the center shall be responsible for assuring that it is properly stored and served to the specific child in accordance with the diet instructions on file at the center. Records of food intake shall be maintained when indicated by the child's physician.

k) Food service requirements:

1) Children shall be served small servings of bite-size pieces.

2) All meals shall be suitable for children and shall be prepared by methods designed to conserve nutritive value, flavor, and appearance.

3) Adults shall sit at the tables with the children during meals.

4) Betsels in food service shall be avoided so that children do not have to sit and wait.

5) Meals shall be relaxed and unhurried.

6) Children shall not be forced to eat.

7) Tables, chairs, dishes, glasses, and eating utensils shall be of design and size suitable for children of the age served.

l) The facility shall have drinking water freely available to all children. Water shall be offered at intervals to infants and toddlers.

m) Drinking fountains and/or disposable cups for individual use shall be

provided:

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.25 Night Care (Repealed)

a) A center receiving children for night care shall comply with standards for all day care centers except when inconsistent with the special requirements prescribed by this Section.

b) Staff counted for purposes of meeting child/staff ratio requirements shall be awake at all times.

c) Each child shall have an individual cot, bed, or crib equipped with comfortable bedding appropriate to the indoor room temperature and maintained in sanitary and safe condition.

d) Each child shall have an individual washcloth, towel, toothbrush, comb or brush, and sleepwear furnished either by the center or the child's parent(s).

e) The night care program shall facilitate a relaxed atmosphere characterized by informal quiet activities:

1) Scheduling shall reflect the need for regularity in meeting basic needs such as relaxation, meals, self-care, and sleep.

2) Evening activities shall be primarily self-selected by individuals. Selections shall be chosen from activities such as, but not limited to, outdoor play, reading, lounging, study, table games, group games, conversation, listening to music, watching television, dramatic play, and art.

3) Self-care routines shall include:

A) Brushing teeth at bedtime or upon rising.

B) Brushing the hair upon rising, and

C) A routine for toileting scheduled at bedtime and upon rising.

4) Sleeping arrangements shall be such that the children who stay all night are not disturbed by the departure of those who stay only a portion of the night.

f) An evening meal shall be served at a regular time each evening to all children then in attendance and shall be available to other children who may arrive without having first eaten.

g) A bedtime snack shall be served to each child.

h) Breakfast shall be provided for all children who have been at the facility throughout the night and are present between 6:30 and 8:30 a.m.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.26 Children with Special Needs (Repealed)

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- a) A center receiving children with special needs shall comply with standards for all day care centers except when inconsistent with the special requirements prescribed in this Section.
- b) There must be written evidence on file that resource personnel with appropriate expertise have been consulted and their recommendations considered in planning program activities for children identified as having special needs.
- c) Recommendations made by the resource personnel and designed into a program plan by the resource team for the child with special needs shall be implemented. The resource team shall consist of the director, direct child care staff, and registered, licensed, and/or certified resource personnel such as physicians, psychologists, social workers, speech therapists, physical and occupational therapists, educators, and other technical and professional personnel as indicated by the child's special needs.
- d) All program recommendations from resource persons related to a child's special needs shall be evaluated and reviewed at least twice a year. Parents shall be fully informed and in agreement with all procedures undertaken in relation to the child's needs.
- e) When a facility agrees to accept a child with special needs who attends school, school records shall be obtained by the facility, and communication with school personnel and parents regarding the child's special needs and progress shall be maintained.
- f) Building and equipment shall be designed so that every child can make maximum use of the facility as a safety and as independently as possible.
- 1) The facility areas to be utilized by a child with special needs shall be adapted as necessary to accommodate special devices which may be required to function independently.
- 2) Minimum space requirements per child with special need(s) shall be 35 square feet.
- 3) A special area shall be maintained for the purpose of providing privacy for diapering, dressing, and other personal care procedures.
- h) Persons rendering special professional services to these children must be registered according to state registration and/or certification laws currently in effect, if applicable, or must function under the direction of a person so qualified. (See Appendix B for professions requiring license or registration.)
- i) When a facility serves eight or more children with special needs, the identified staff person or persons directly responsible for planning and coordinating activities for these children shall have achieved training at the college and/or university level which includes:
- 1) A course that deals with normal child development;
- 2) A course that deals with problems and treatment of exceptional children;
- j) The staff serving children who require special program services shall receive in-service training that relates to the specific needs of the

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- children served.
- k) When children with special needs are served as a group, the ratio of child care staff to the number of children served shall be 1:4. This ratio excludes student helpers under 10 years of age and adults who are also served in the program.
- l) Medical consultation and direction shall be available to staff. Other medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to receipt of appropriate releases from parents. These shall be on file for each child for administration of any and all prescribed medicine.
- m) Individual records shall be made available to parents and shall include information needed to assist the staff in planning effectively to meet each child's needs, and shall be kept confidential. No record or portion thereof shall be transferred without written parental permission.
- 1) The individual record shall include:
- A) All assessments;
- B) Program recommendations;
- C) Program provisions to meet recommendations;
- D) Program evaluations; and
- E) Program adjustments as indicated by the evaluations.
- 2) Facilities shall make known to the parents that records are available.
- (Source: Repealed at 21 Ill. Reg. _____, effective _____)
- Section 407.27 Infants and Toddlers (Repealed)
- a) A center receiving children within the infant and toddler age range shall comply with standards for all day care centers except when inconsistent with the special requirements prescribed by this Section.
- b) A center serving infants and toddlers shall have a licensed physician, registered nurse, licensed practical nurse, or licensed physician's assistant with training or experience in infant care to instruct child care staff in the proper health care of infants and toddlers. The person shall visit the facility to observe the child care techniques of the staff and provide in-service training. Visits shall be at least weekly during the permit period and monthly thereafter.
- c) A facility for infants and toddlers shall have sufficient indoor and outdoor space and appropriate furniture to provide for support functions necessary to the program.
- 1) Separate space for infants and toddlers shall be available away from other children except in facilities enrolling 10 or fewer children.
- 2) When infants play and sleep in the same room there shall be a minimum of 25 square feet of space per child for play area plus a minimum of 30 square feet of space per child for sleeping area.

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- with at least two feet between each crib or cot:
- 3) When infants play and sleep in separate rooms there shall be a minimum of 35 square feet of play space per child and a minimum of 30 square feet of space per child for sleeping area with at least two feet between each crib or cot.
 - 4) When toddlers play and sleep in the same room using stackable cots there shall be 35 square feet of space per child.
 - 5) When toddlers play and sleep in the same room using cribs there shall be a minimum of 55 square feet of space per child. However, when children are in their cribs there must be a minimum of two feet between the cribs.
 - 6) When toddlers play and sleep in separate rooms there shall be a minimum of 35 square feet of play space per child and a minimum of 30 square feet of space per child for sleeping with at least two feet between each cot or crib.
 - 7) A sink or lavatory for the infant/toddler program shall be easily accessible for the use of staff for hand washing and for use by the children.
 - 8) A toilet for the infant/toddler program shall be easily accessible so that the contents of cloth diapers if used, may be disposed of before placing diapers in the diaper pail.
 - 9) One toilet with training seat, child size toilet or potty chair shall be provided for every three toddlers being toilet trained.
 - 10) No extension cords shall be used in areas accessible to children. All electrical cords not in use with supervision of an adult shall be unplugged and the outlets covered.
 - 11) There shall be a heating unit for warming bottles and food accessible only to adults.
 - 12) Safes, sturdy well constructed individual free standing cribs, portable cribs or playpens used for sleeping shall be equipped with good firm fitting mattresses made of materials that can be washed. Stacking cots constructed of washable materials or full size cribs shall be provided for toddlers.
 - 13) There shall be no more than 1 1/2 inches of space between the mattress and bed frame when the mattress is pushed flush to one corner of the crib.
 - 14) A refrigerator shall be available and easily accessible to the children's room.
 - 15) Conveniently located washable plastic lined covered receptacles shall be provided for soiled diapers and liners.
 - 16) Indoor and outdoor play materials and equipment suitable for staff to use with infants and toddlers to stimulate learning, growth, health and development shall be provided.
 - 17) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to infants and toddlers. Hazardous or injurious characteristics include sharp rough edges, toxic paint, and objects small enough to be swallowed.

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- 2) Equipment and play materials shall be maintained in sound clean condition at all times.
- e) Care of the children shall be given in such a manner as to ensure that the health and safety needs as well as the nurturing requirements of the children are met.
- 1) Diapering and toileting:
 - A) Infants and toddlers shall be diapered in their own cribs at a central diapering area on a surface that is sanitized after each use or on a disposable paper sheet which is disposed of after each diapering.
 - B) The child's hands shall be washed prior to the anal area with a clean damp soapy cloth then rinsed with a second clean cloth in the same order.
 - C) The fecal contents of the diaper shall be disposed of into a flushing toilet with the diaper then being placed in a diaper pail.
 - B) Adults shall wash hands with soap and running water after each diaper change.
 - B) Bathroom odors shall be controlled.
 - F) There shall be a parent staff consultation prior to toilet training.
- 2) Feeding:
 - A) Hands of staff members shall be washed and dried with individual or disposable towels before each feeding of individual children. Each child's hands shall be washed and dried with individual or disposable towels before each feeding.
 - B) Flexible feeding schedule of infants shall be established to coordinate with parents' schedules at home and to allow for nursing infants.
 - C) Infants up to 6 months of age shall be held while being bottle fed. Infants of more than 6 months may be held if needed. Bottles shall not be propped at any time. When infants are old enough to hold their own bottles they may feed themselves without being held. The bottle must be removed once the child has fallen asleep.
 - B) If the child's formula is brought in by the parent it shall be labeled and placed in the refrigerator.
 - B) Foods stored or prepared in jars shall be served from a separate dish for each infant. Any leftovers from the serving dish shall be discarded. Bottles in the jar shall be labeled with the infant's name, dated, refrigerated, and served within 24 hours or discarded.
 - F) Children shall be allowed and encouraged to feed themselves. Supportive help to the child from the staff shall be maintained for as long as the child needs such help.
- 3) Sleeping:
 - A) Each child shall be placed in a separate bed that has the

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child's name--visitation

- B) Very young infants--who cannot--turn--over--alone--shall--be placed--on--their--abdomen--for--their--naps--and--immediately--after a--feeding--unless--a--physician--has--ordered--otherwise.
- C) Sheets--shall--be--changed--when--soiled---All--sheets--shall--be changed--routinely--two--times--per--week.
- B) All--beds--shall--be--wiped--clean--as--often--as--necessary--and cleaned--twice--a--week--with--a--germicidal--solution.
- B) All--beds--shall--be--thoroughly--cleaned--when--each--child--is--no longer--enrolled--in--the--nursery---At--no--time--will--two children--be--allowed--to--share--the--same--bed--during--their--time of--enrollment--unless--it--is--thoroughly--cleaned--between--each child's--use.
- F) Routines--such--as--naps--and--feeding--shall--take--into consideration--parents'--information--and--wishes--about--the routines--followed--in--the--home.
- 4) Sanitary--procedures:
- A) All--cooking--and--feeding--utensils--shall--be--washed--after--each use.
- B) Toys--and--equipment--shall--be--cleaned--daily--with--a--germicidal solution.
- C) A--child's--toilet--seat--or--potty--shall--be--cleaned--and--sanitized--after--each--use.
- F) Infants--and--toddlers--shall--be--provided--a--daily--program--that--is designed--to--meet--the--developmental--needs--of--children--of--this--age.
- 1) The--same--staff--member--shall--feed--diaper--and--play--with--a--child every--day--so--as--to--establish--interaction--and--to--establish continuity--in--the--child's--relationship--with--as--few--adults--as possible.
- 2) Children--shall--be--free--to--creep--crawl--toddle--and--walk--as--they are--physically--able.
- 3) Children--shall--be--taken--outdoors--for--a--portion--of--every--day weather--permitting.
- 4) A--variety--of--toys--shall--be--accessible--on--low--open--shelves--for--the children--to--use--and--these--shall--be--rotated--with--stored--toys.
- 5) For--those--infants--who--cannot--move--about--the--room--the--staff--shall frequently--change--the--place--and--position--of--the--child--and--the selection--of--toys--available.
- 6) Information--shall--be--kept--and--made--available--to--parents--when--the child--is--picked--up--at--the--end--of--the--day---This--shall--include information--important--for--parents--to--know--such--as--facts--of feeding--and--elimination.
- 7) Opportunities--for--interaction--with--parents--brothers--and--sisters-- provided--for--and--encouraged--on--a--continuing--basis.
- 8) The--daily--program--for--infants--and--toddlers--shall--provide--experiences which--promote--the--individual--child's--growth--and--well--being--in--the development--of--gross--and--fine--motor--skills--sensory--learning--

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language--recognition--and--positive--self--concept.

- h) Infants--who--are--awake--shall--be--moved--to--different--positions--at--least every--30--minutes--and--shall--be--held--rocked--and--carried--about.
- i) Self--care--such--as--washing--dressing--toileting--brushing--and--combing shall--be--encouraged--as--each--child--shows--evidence--of--ability--to--do--so.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.28 School-Age Children (Repealed)

- A) A--center--receiving--children--within--the--school--age--range--shall--comply with--standards--prescribed--for--all--day--care--centers--except--when inconsistent--with--the--special--requirements--prescribed--by--this--Section.
- B) The--facility--shall--provide--a--designated--area--so--that--the--older children's--presence--shall--not--interfere--with--the--needs--and--care--of younger--children.
- C) Clear--definitions--of--legal--responsibility--and--procedures--shall--be established--between--parent--facility--and--school--when--children--move--to and--from--school:
- 1) A--parent--shall--be--legally--responsible--for--the--child--enroute unless--transportation--is--provided--by--the--facility--or--the--school.
- 2) Procedures--shall--be--established--and--agreed--upon--in--writing--by--the parents--the--school--and--the--facility--including--but--not--limited to:
- A) Children--leaving--the--facility--to--go--to--school.
- B) Children--leaving--school--to--go--to--the--facility.
- C) Children--leaving--the--facility--and/or
- B) Children--leaving--school--for--regular--school--activities--or visiting--friends.
- D) Indoor--equipment--shall--be--available--so--as--to--provide--for--active--and quiet--play--appropriate--to--the--age--levels--and--developmental--needs--of the--children.
- E) Outdoor--equipment--appropriate--to--the--developmental--levels--of--the children--in--care--shall--be--provided--including--sports--equipment outdoor--games--and--activities.
- F) The--facility--shall--provide--a--program--and--activities--that--recognize--the developmental--and--educational--needs--of--school--age--children--who--need group--care--before--and--after--school.
- 1) Quiet--activities--such--as--but--not--limited--to--puzzles--small games--reading--books--simple--art--or--special--projects--and opportunities--to--do--homework--shall--be--accessible--on--a--free--choice basis--to--children--waiting--in--the--facility--to--leave--for--school during--the--morning--hours.
- 2) Children--who--have--been--in--school--all--day--shall--have--time--set aside--for--relaxation--and--recreation--immediately--upon--arrival--from school.
- 3) Opportunity--shall--be--available--for--the--development--of--skills--in

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- areas such as, but not limited to, sports, art, and music.
- 4) Special projects outside the confines of the facility shall be provided, such as trips to the library.
- 5) The program shall be flexible to allow the children to participate in after-school activities sponsored by the school.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.29 Health Requirements for Children (Repealed)

- a) A medical report, on forms prescribed by the Department, shall be on file for each child and shall be dated no earlier than 6 months prior to enrollment:
- 1) The medical report shall be valid for two years except that subsequent examinations for school age children shall be in accordance with the requirements of the Illinois School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-0.1) provided copies of the exam are on file at the facility.
- 2) A tuberculin test shall be included in the initial exam only.
- 3) The report shall indicate that the child has been immunized as required by the Rules and Regulations of the Illinois Department of Public Health for immunizations. These required immunizations are polio, measles, rubella, diphtheria, mumps, pertussis, tetanus and haemophilus influenzae B.
- 4) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent and kept in the child's record.
- 5) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin test shall be so indicated by the physician on the child's medical form.
- b) Necessary medications may be administered to a child at the facility provided that:
- 1) The facility shall maintain a record of the date, hour, dosage, and the name of the person administering them.
- 2) Prescription medications shall be labeled with the child's name, directions for administering the medication, the date and the physician's name, the prescription number, and drug store or pharmacy.
- 3) The medications shall be administered as required by a physician subject to the receipt of appropriate releases from parents and these shall be on file for each child for the administration of any and all prescribed medications.
- 4) Nonprescription medication may be administered upon written parental permission. Such medication shall be administered in accordance with package instructions and except for aspirin and

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- aspirin substitute shall be labeled with the child's name and dated.
- 5) Medications shall be kept in locked cabinets or containers which are in an area well lighted and out of reach of children even if medications must be refrigerated.
- 6) The following additional procedures shall be followed for infants and toddlers:
- A) A bulletin board or clipboard shall be placed in a visible position with the child's name, medication times, and prescription number listed on the board. Also listed shall be the name of the person administering the medication.
- B) Each time the medication is given, the medication time shall be crossed off the board.
- C) The same person on a shift shall be responsible for administering medication.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.30 Transportation (Repealed)

- a) A center providing transportation services shall comply with the driver licensing Rules of the Road, financial responsibility, vehicle equipment and vehicle inspection provisions of the Illinois Vehicle Code (Ill. Rev. Stat. 1993, ch. 95-1/2, pars. 6-101, 6-102, 7-100-et seq., 11-100-et seq. and 12-100-et seq.).
- b) The driver of a vehicle transporting children on behalf of a day-care center shall be at least 21 years of age.
- c) The driver and attendants shall meet the requirements of Section 407.10.
- d) The driver shall not leave the vehicle unattended at any time while transporting children.
- e) The driver shall see that each child boards and leaves the vehicle from the curb side of the street and/or is safely conducted across the street.
- f) The driver shall see that a responsible person as designated by the child's parent or guardian is present to take charge of a child when delivered to his home or to the center.
- g) The driver shall see that order is maintained in the vehicle for safety of the children in transit.
- h) The number of children transported in a vehicle shall not exceed the manufacturer's rated passenger capacity.
- i) A driver alone may transport 2 infants or 3 toddlers and shall be assisted by an adult attendant for each additional 1 to 3 infants or 1 to 4 toddlers.
- j) A driver alone may transport 0 children between 2 and 5 years of age and shall be assisted by an adult for each additional 1 to 9 children between 2 and 5 years of age.

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- k) When infants or toddlers are transported with children over 30 months of age or when children over 5 years of age are transported, the staff to child ratio shall be in accordance with Section 407.23.
- l) Age appropriate safety restraints which are federally approved and labeled as such shall be used at all times when transporting children in vehicles having a gross weight of less than 10,000 pounds, except that individual safety restraints shall not be required when children ride as passengers in taxis or common carriers or public utilities operating under the jurisdiction of the Illinois Commerce Commission.
- m) Age appropriate safety restraint for a child under four (4) years of age means a child restraint system (infant carrier, infant/toddler seat, or convertible safety seat). Age appropriate safety restraint for a child four (4) years of age or older means a child restraint system or seat belt (lap belt or lap-shoulder belt combination).
- n) A vehicle used by the center to transport children shall be maintained in mechanically safe condition at all times.
- o) Any vehicle designed for the transportation of more than 10 persons (including the driver) shall be equipped with a first aid kit when used for transporting children. The first aid kit shall consist of band-aids, sterile gauze pads, 40 inch triangular bandage with two safety pins, wire or wood splint, adhesive tape, scissors and instructions for use of the contents of the kit.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.31 Plant and Equipment (Repealed)

- a) The physical facilities provided both indoors and outdoors shall protect the health and safety of children:
- 1) The building housing a center shall be approved prior to occupancy and license renewal by the Illinois Department of Public Health and the Office of the State Fire Marshal or local agencies authorized by those State agencies to conduct inspections on their behalf. Otherwise, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.
- 2) The building or portion of the building to which children from the center have access shall be used only for a program of child care during the hours that the center is in operation. This shall not be construed to mean that the space used for the program cannot be shared by other groups or persons when the children enrolled are not present.
- 3) There shall be a posted emergency plan for evacuation and monthly fire drills shall be conducted at the center for the purpose of removing children from the center as quickly as possible. Records shall be maintained of the dates and times fire drills are conducted.

- 4) In facilities established after the effective date of this rule, infants and toddlers shall be housed and cared for at ground level. Travel distance between any point in a room used for infants and toddlers and an exit discharging directly outside shall not exceed 150 feet.
- 5) The program shall be modified as needed when there are adverse environmental conditions caused by weather heating or cooling difficulties or other such problems.
- b) There shall be sufficient indoor space to conduct the program:
- 1) There shall be a minimum of 35 square feet of activity area per child in centers for normal children two years of age and older. This space is exclusive of exit passages and fire escapes which must be clear. This space is also exclusive of administrative space, storage areas, bathrooms, kitchen, space required for equipment that is not used for direct activities with children, and gymnasiums or other areas used exclusively for large muscle activity or active sports.
- 2) During nap time, there shall be at least two feet of space on at least two sides between cots.
- 3) Storage space shall be provided for cots, bedding, and other equipment.
- 4) One room, no matter how large, shall accommodate only one group except that room dividers or program equipment at least 36 inches high may be used to define and separate the space for each group of children up to age five. Gymnasiums and similar sized areas may accommodate two groups without dividers, when used for large muscle activity and active sports.
- 5) All rooms or spaces accommodating more than one group shall be provided with an acoustical ceiling or its equivalent in carpeting or wall covering. If carpeting is used to control noise, it shall not be required in water play, painting, and similar areas.
- c) Indoor space shall provide a safer, comfortable environment for the children:
- 1) Adjustable window shades, drapes, or venetian blinds shall be provided.
- 2) The floors and floor coverings shall be washable and free from drafts, splinters, and dampness.
- 3) Toxic paints or finishes shall not be used on walls, window sills, beds, toys or any other equipment, materials or furnishings which may be used by children or within their reach. Peeling or damaged paint or plaster shall be repaired promptly to protect children from possible hazards.
- 4) Any thermal hazards (radiators, hot water pipes, steam pipes, heaters) in the space occupied by children shall be out of the reach of children or be separated from the space by partitions, screens, or other means.
- 5) Sharp scissors, knives, matches, lighters, flammable liquids,

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drugs, power tools, cleaning supplies and any other such items which might be harmful to children shall be kept in areas inaccessible to children.

6) The facility shall be well ventilated, and shall maintain a temperature of not less than 60 degrees Fahrenheit and not more than 74 degrees Fahrenheit measured 3 feet above the floor. Relative humidity shall be maintained at between 35 and 60 percent.

7) Areas where children read, paint, or participate in other activities requiring close eye work shall be provided with a minimum of 50 foot candles measured 2 feet above the floor. Artificial light sources shall be protected from hazards of breakage by installation of covers or shields. Other areas may be provided with foot candles of varying intensity depending on the usage; the average foot candles for the entire classroom area shall be at least 30 foot candles measured 2 feet above the floor.

d) A safe outdoor play area shall be provided:

1) The outdoor play area shall accommodate 25 percent of the licensed capacity at any one time.

2) There shall be a minimum of 75 square feet of safe outdoor play area per child for the total number of children using the area at any one time.

3) Play space shall be safely enclosed or otherwise protected from traffic and other hazards.

4) Protective surfacing such as, but not limited to, grass, P gravel, and mulching shall be provided in areas where climbing apparatus is used.

5) There shall be provided a surface that is suitable for children's wheeled vehicles and pull toys.

6) Play areas shall be well drained and maintained in a safe, clean, and sanitary manner.

7) There shall be open and sheltered areas to permit children to enjoy activities in either sun or shade and to protect them from excessive exposure.

8) If an area not connected with the facility, such as a public park or playground, is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.

e) Toilets and lavatories shall be readily accessible to the children:

1) If toilets and lavatories are not child-sized, steps shall be provided.

2) Hot and cold running water shall be provided.

3) Mild soap and individual towels shall be available and used. Towels may be disposable.

4) Hot water supplied to lavatories, bathing facilities, and other plumbing fixtures used by children shall be tempered or thermostatically controlled to less than 120° F.

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5) The following ratios of lavatories and toilet facilities shall be provided:

Number of Children in day-care facility	Toilets-Lavatories
1 to 10	1
11 to 25	2
26 to 50	3
51 to 75	4
76 to 100	5
101 to 125	6
126 to 150	7
151 to 175	8

6) Toilet and handwashing areas for school age children shall provide for privacy.

7) Toilets shall be within close proximity to the children's activity areas; if this is not possible in existing facilities, an adult shall accompany children four years of age and younger.

f) Toilet and lavatories shall be readily accessible to the staff. Kitchen sinks used for food preparation shall neither be used as handwashing lavatories nor included in the total number of handwashing lavatories required.

h) Space shall be provided for a child who becomes ill at the center. Such space shall be ventilated and heated, equipped with a cot and materials that can be easily sanitized, and shall be within sight and hearing of an adult.

i) A safe and sanitary water supply shall be maintained; if a private water supply is used instead of a public water supply, the center shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to refilling. If nitrate content exceeds 10 parts per million, bottled water must be used for infants.

j) Swimming and wading pools shall be safely maintained and supervised.

1) All swimming pools, whether at the facility or elsewhere, shall meet the Minimum Sanitary Requirements for the Design and Operation of Swimming Pools and Bathing Beaches of the Illinois Department of Public Health (to be codified at 77 Ill. Adm. Code 9207).

2) All in-ground or above-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 3 1/2 ft. in height and secured with a locked gate.

3) When children are swimming, supervision shall at all times include at least one person currently certified as a lifeguard or water safety instructor by the American Red Cross (lifeguarding, Rescue and Water Safety, prepared by American Red Cross, 1991) or equivalent water safety program.

4) All staff, volunteers, and other adults who are counted in the staff/child ratio for swimming shall receive basic water safety

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instruction--from-the-person-certified-in-life-saving-per-Section 407-31(f)(3);

- 5) The following staff/child ratio shall be maintained when children are swimming, whether at the facility swimming pool or at other public or private swimming pools, lakes, parks, or recreational swimming facilities:

Page	Staff	Children
infants/toddlers	1	1
2-years	1	4
3-years	1	6
4-years	1	8
5-years	1	10
school age	1	15

- 6) Portable wading pools shall be emptied after each use and cleaned with a germicidal solution before being air dried. Portable wading pools, splash pools, and other basins used for water play (activities) which are not required to be licensed by the Illinois Department of Public Health shall be emptied after use and cleaned with a germicidal solution before being air dried.

- k) Kitchen areas shall be clean and equipped for preservation, storage, preparation, and serving of food. Provision shall be made for the cleaning and sanitation of dishes.

- l) All garbage and refuse within the center shall be collected daily and stored in a manner that will not permit the transmission of disease or create a nuisance or a fire hazard or provide harborage for insects or other pests.

- 1) An adequate number of covered, durable water-tight, insect rodent proof garbage and refuse containers shall be provided for use.

- 2) Garbage and refuse containers used to discard diapering supplies, food products, or disposable meal service supplies shall be cleaned daily with a germicidal solution unless plastic liners are used and disposed of daily.

- m) Insect and rodent control shall be maintained.

- 1) All outside doors, operable windows, and other openings shall be screened. Doors with operable self-closing devices do not have to be screened.

- 2) Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present in the facility.

- n) The facility shall be cleaned daily and kept in a sanitary condition at all times.

- 1) The facility shall provide necessary cleaning and maintenance equipment.

- 2) Toys, table tops, furniture, and other similar equipment used by children shall be washed when they become soiled or contaminated.

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- with matter such as food, body secretions, or excrement.
- 3) Cleaning equipment, cleaning agents, aerosol cans, and other hazardous chemical substances shall be stored in a space designated solely for this purpose and shall be inaccessible to children.

- 4) Exit areas shall be kept clear of equipment and debris at all times.

- 5) Where shall be no smoking in food preparation areas or in child care areas when children are present.

- 6) Major cleaning shall not be done while children are present.

- 7) Water tables and toys used in water tables shall be emptied daily and cleaned with a mild germicidal solution before being air dried.

- o) Facilities shall provide a separate crib, bed, or cot and individual sheets and other bedding.

- 1) Cots, cribs, or beds used by children in a day care facility may be used for other children at night if separate sets of clean sheets and other bedding are provided to each user.

- 2) Clean sheets and blankets shall be provided at least once a week or as frequently as needed when wet or soiled.

- 3) Waterproof mattress covers or undersheets for cribs, beds, or canvas cots shall be provided for all children who are bedwetters.

- 4) Each cot, bed, or crib shall be identified with the name of the child.

- 5) Bed linens shall be tightly fitting and washable.

- p) Facilities and equipment shall be kept in safe repair so as not to expose children to hazardous situations.

- 1) Any interior or exterior painted surface including walls, floors, ceilings, equipment, toys, furnishings, and cribs shall be maintained in good order free of lead paint.

- 2) Electrical outlets within the reach of children up to age 5 shall be covered or be otherwise shockproof.

- q) Furnishings and equipment shall be durable, safe and scaled to the size of the children.

- 1) Child size chairs shall be provided for preschool children.

- 2) Babies shall be of appropriate height and of a size to accommodate comfortably a small group of not more than 8-10 children.

- 3) Individual lockers, cubicles, or separate hooks and shelves shall be provided for the children's personal belongings.

- 4) Low open shelves for play materials and books shall be provided and within easy reach of the children.

- 5) Storage for surplus toys and supplies not currently in use shall be provided.

- 6) A cot must be provided for each preschool age child in an all-day program. Floor pillows, sofa, carpet, bean bag chairs, or padded chairs shall be provided for school age children for lounging or

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- 7) A first-aid-kit-and-a-chart-or-handbook-of-first-aid-instructions shall-be-available-for-staff-use--the-first-aid-kit-shall consist-of--Band-Aids--sterile--bandages--sterile--compresses--adhesive-tape--scissors--mild-soapy-magnifying-glass-with-needles and-tweezers-for-removing-splinters.
- 8) Where-shall-be-means-for-communication-for-emergency-purposes:
- 1) An-operable-telephone-shall-be-on-the-premises--easily-accessible for-use-in-an-emergency-and-other-communications;
 - 2) A-list-of-emergency-telephone-numbers--such-as--the--fire department--police--department--and-emergency-medical-treatment--shall-re-posted-next-to-the-telephone;
 - 3) Facilities-operating-on-two-or-more-floors--shall-have--intercom service-or-other-means-of-format-communications-between-floors.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.32 Records and Reports (Repealed)

- a) A-facility-shall-maintain-a-record-file-on-the-children-enrolled:
- 1) A-written-application-for-admission-of-each-child--shall-be-on file-with-the-signature-of-the-parent-or-guardian;
 - 2) An-alphabetic-card-or-register-on-each-child-shall-be-maintained and-shall-include:
 - A) Name--date-of-birth--and-sex;
 - B) Date-of-admission-and-discharge;
 - C) Scheduled-days-and-hours-of-care;
 - D) Name(s)--of--parent(s)--or--guardian(s)--home--address--and business-address-and-telephone-numbers--marital-status--and the-working-hours-of-the-parent(s)-or-guardian(s);
 - E) Name--address-and-telephone-number-of-child's-physician--(or if-applicable--of-certified-Christian-Science-Practitioner);
 - F) Name(s)--addresses--and--telephone-numbers--of--others authorized-to-pick-up-the-child--and
 - G) Name--addresses--and-telephone-numbers-of-others-to-contact within-the-immediate-area-if-parents-or-guardian-cannot--be contacted-in-case-of-emergency;
 - H) Information--regarding--the-child's--personal--development--habits--medical-needs--and-other-information-critical-to-the child's--well-being;
 - I) Accidents--or--illnesses--which-have-occurred-to-the-child-at-the facility-shall-be-recorded-in-the-file--when-a-child-is-not permitted-to-attend-the-facility--because-of--an-accident-or illness--the--date--of--readmission--to--the-facility--shall-be recorded;
 - J) All--required--health--and-medical-reports--as-required-by-Section 407.29.

- 5) Written-agreements-and-consents-as-required-by-Section-407.18a shall-be-in-the-child's-record-file;
- 6) A-statement-signed-by-the-parent(s)-or-guardian-indicating receipt-of-a-summary-of-licensing-standards-and-other-materials as-required-by-Section-407.8(d)-shall-be-in-the-child's-record file;
- 7) A-facility-shall-maintain-accurate-daily-attendance-records-on-all children-enrolled--if-a-child-attends-on-a-part-time-or-irregular basis--this-shall-be-recorded-in-the-attendance-record;
- 8) Records-shall-be-maintained-on-all-employees-and-shall-contain--all pertinent--information--relative--to--character--ability--and qualifications-for-the-position--health--three-character--references verified-by-the-day-care-center--history-of-employment-for-the previous-five-years--date-of-employment-by-the-day-care-center--and--if-applicable--date-and-reasons--for-separation-from-the-day-care center;
- 9) The-day-care-center-shall-maintain-a-separate-file-of-responses-to-the background-inquiry-required-by-Section-407.17-and-9-11-Adm--Code 358--Background-inquiry-for-Purchase-of-Service-Providers;
- 10) Records-of-student-helpers-shall-include-name--home-address--telephone number--and-a-copy-of-the-latest-medical-exam-from-the-school--in addition--the-record-maintained-by-the-center-shall-include--the-name of-the-school--name--and-telephone-number--of--the-facility-member responsible-for-each-student--the-course-in-which-the-student-is enrolled--and-who-at-the-facility-is-responsible-for-supervising-the student;
- 11) The-day-care-center-shall-maintain-financial--and--other--business records-essential-to-the-operation-of-the-facility;
- 12) The-facility-shall-maintain--and-submit--when-requested--by--the Department--accurate-information-and-statistics-on-children-enrolled-in the-facility;
- 13) The-day-care-center-shall-enter--in--the-child's-record--and--orally report-immediately-to-the-child's-parent-guardian--and-the-Department any--serious--occurrences--involving--children--oral-reports-shall-be confirmed-in-writing-within-two-working-days-of--the-occurrence--if the-center-is-unable-to-contact-the-parent-guardian-or-Department immediately--it-shall-document-this-fact-in-the-child's-record--those occurrences-include-serious-accident--or--injury--requiring--extensive medical--care--or--hospitalization--death--arrest--alleged-abuse--or neglect--major-fire-or-other-emergency-situations;
- 14) The-Department-shall-be-notified-within-seven-days--in-writing--if notice-is-received-of-legal-action-against-the-facility;
- 15) Evidence--of--child--abuse-or-neglect-shall-be-reported-immediately-in accordance-with-the-Abused-and-Neglected-Child-Reporting-Act--(Ill- Rev--Stat--1993--ch--23--pars--2051-et-seq.)
- 16) The-facility-shall-maintain-and-submit-reports-on-staff-and-volunteers to-the-Department-on-forms-provided-by-the-Department;
- 17) An--individual--report--on--each--new--employee--including-owner-

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operator or directors) shall be filed with the Department; a copy of this report shall be kept at the facility.

2) All staff changes shall be reported to the Department immediately.

3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided upon request by the Department.

4) The facility shall promptly report any known or suspected cause or carrier of communicable disease to local health authorities, and shall comply with the Illinois Department of Public Health's Rules and Regulations for the Control of Communicable Diseases (1977).

5) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization which specifies the statutory authority or administrative rule under which the access is granted shall have access to records and reports. All persons who have access to the records and reports shall respect their confidential nature.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.33 Confidentiality of Records and Information (Repealed)

a) The facility personnel shall respect the confidential nature of the child and personnel records.

b) Information pertaining to the admission, progress, health, or discharge of an individual child shall be confidential and limited to facility staff designated by the Child Care Director and Department representatives unless the parent(s) of the child has granted written permission for disclosure or dissemination.

1) The facility shall have confidentiality release forms signed by the parent(s) which specify to whom information may be released and how long the release form is valid. Such release forms shall be on file at the facility prior to the release of confidential information.

2) If information is requested by outside persons or agencies, a specific written request signed by the person requesting the information shall be obtained and placed on file at the facility prior to the release of the information.

3) Except in extreme emergency or when there is evidence of child abuse or neglect, any child 12 years of age or older must be informed of such disclosure of information.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.34 Records Retention (Repealed)

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a) Personnel, general, and financial records required of the day-care center shall be maintained for five years. Children's records shall be maintained for five years after the child has been discharged from care or services.

b) The provisions of this Section notwithstanding, records required by this Part shall be maintained until all audits have been completed and no litigation is pending or anticipated.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 407.35 Severability of This Part (Renumbered)

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Renumbered to 407.400 at 21 Ill. Reg. _____, effective _____)

SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

Section 407.40 Purpose and Applicability

a) The purpose of this Part is to prescribe the minimum standards for licensure as a day care center and to describe how to apply for a license. This Part also establishes requirements for the daily operation of day care centers that serve children. The Child Care Act of 1969 excludes some facilities from the requirement to be licensed. These exclusions from the licensing requirement may be found in Section 2.09 of the Child Care Act of 1969, as amended [225 ILCS 10/2.09] and are explained in Department rules 89 Ill. Adm. Code 377, Facilities and Programs Exempt from Licensure.

b) The licensing standards set forth in this Part are applicable to day care centers as defined in the Child Care Act of 1969 that are also known as child care centers.

c) Individuals, corporations, associations and groups may write to the Department of Children and Family Services and request a declaratory ruling with regard to the applicability of this Part to their circumstances when the requestor has requested an interpretation from the local licensing authority, but has been unable to obtain such an interpretation or is not satisfied with the response obtained.

d) Such requests for declaratory rulings shall be addressed to the Department of Children and Family Services, Office of Rules and Procedures, 406 E. Monroe Street, Station # 65, Springfield, Illinois 62701, shall fully outline the facts of their inquiry, shall provide names and addresses of any Department staff who have been involved in

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evaluating the applicability of this Part to their circumstances, and shall include a copy of any written interpretations or directions received from the local licensing authority.

- e) The Department may provide declaratory rulings upon receipt of the initial request or may ask the inquirer to provide additional information within 15 days before a declaratory ruling is issued. Failure to provide the additional requested information within the 15-day period will terminate the request for a declaratory ruling.

- f) A declaratory ruling regarding the applicability of this Part upon the inquiry will be issued in writing within 60 days after receipt of a complete inquiry which fully states the question and accurately outlines the facts of the inquiry.

- g) A request for a declaratory ruling shall not delay the implementation of any licensing enforcement action including but not limited to corrective plans, refusal to renew, revocation or other enforcement activities.

- h) Declaratory rulings shall not be appealable. (Section 5-150 of the Illinois Administrative Procedure Act [5 ILCS 100/5-150])

- i) The Department shall maintain as a public record in its principal office and make available for public inspection and copying any such declaratory rulings. The Department shall delete trade secrets or other confidential information from the ruling before making it available to the public. (Section 5 of the Freedom of Information Act [5 ILCS 140/5])

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.45 Definitions

"Accredited college or university" means a college or university that has been accredited by the North Central Association of Schools and Colleges, its regional counterparts, or the National Accreditation Council.

"Age-appropriate safety restraint" for a child under four years of age means a child restraint system (infant carrier, infant/toddler seat, or convertible safety seat) that meets the standards of the United States Department of Transportation designed to restrain, seat or position children. For a child four years of age or older, an age-appropriate safety restraint means a child restraint system or seat belt (lap belt or lap-shoulder belt combination).

"Attendance" means the total number of children present at any one time.

"Authorized representative of the Department" means a licensing representative or any person acting on behalf of the Director of the

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Department.

"Background check" means:

- = a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- = a check of the Child Abuse and Neglect Tracking System (CANTS) to determine whether an individual has been alleged or indicated as a perpetrator of child abuse or neglect; and
- = a check of the Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. (Section 2.05 of the Child Care Act of 1969 [225 ILCS 10/2.05])

"Child care staff" means all staff members providing direct care to children.

"Consultant" means a person providing technical assistance or advice regarding any aspect of the program operation.

"Cot" means a comfortable, safe and child-sized alternative bed made of resilient, sanitizable fabric, that is on legs or otherwise at least six inches off the floor and can be stored to allow for air flow.

"Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for more than 8 children in a family home or more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include:

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- programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning which serve children who shall have attained the age of 3 years;
- programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education;
- educational program or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multi-state educational organization or association which regularly recognizes or accredits schools;
- programs which exclusively serve or that portion of the program which serves handicapped children who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved as meeting standards of the State Board of Education and applicable fire marshal standards;
- facilities operated in connection with a shopping center or service, religious services or other similar facility where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available;
- any type of day care center that is conducted on federal government premises;
- special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations;
- part day child care facilities, as defined in Section 2.10 of this Act; or
- programs or that portion of the program which:
 - serves children who shall have attained the age of 3 years,
 - is operated by churches or religious institutions as described in Section 501 (c)(3) of the federal Internal Revenue Code,
 - receives no governmental aid,

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- is operated as a component of religious, nonprofit elementary school,
- operates primarily to provide religious education, and
- meets appropriate State or local health and fire safety standards.

For purposes of this Section, "children who shall have attained the age of 3 years" shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program. (Section 2.09 of the Child Care Act of 1969 [225 ILCS 10/2.09])

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969 [225 ILCS 10/2.02])

"Early childhood" means the years from birth through age six.

"Early childhood assistant" means a staff member who works under the direct supervision of an early childhood teacher and does not assume responsibility for a group of children.

"Early childhood teacher" means a staff member responsible for a group of infants, toddlers or preschool children.

"Employee", as used in this Part, means any staff person employed by a child care facility and includes any substitute or assistant. This definition includes administrative, professional and support staff who have access to children in their present or prospective employment.

"Enrollment" means the total number of children served by the facility on either a part-time or full-time basis.

"Governing body", as used in this Part, means the board of directors of a corporation. Otherwise, the term means the owner(s) or other person(s), agency, association or organization legally responsible for the operation of the day care center that serves as the policy-making authority and that exercises general direction over the affairs of the facility.

"Group" means a specific number of children who remain together at least 60 percent of the time they are at the facility.

"Group worker" means a staff member who has lead responsibility for a group of school-age children.

"Group worker assistant" means a staff member who works under the

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direct supervision of a group worker.

"Guardian" means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969 [225 ILCS 10/2.03])

"Guidance/discipline" means the ongoing process of helping children to develop inner controls so that they can manage their own behavior in socially approved ways.

"Infant" means a child from six weeks through 14 months of age.

"Initial background check" means fingerprints have been obtained, as verified by a receipt from the fingerprint vendor, and the individual has cleared a check of the Child Abuse and Neglect Tracking System (CANTS) and the Statewide Child Sex Offender Registry.

"Intergenerational activities" means activities that involve children and adults in shared activities that occur at least monthly on a regular basis.

"Kindergarten child" means a child currently enrolled in kindergarten who is eligible to attend first grade during the next school year.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License study", as used in this Part, means the review of an application for license, on-site visit(s), interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of children permitted in the facility at any one time.

"Licensee" means an individual, agency, or organization who holds a license or permit issued by the Department of Children and Family Services.

"Licensing representative", for the purposes of this Part, means Department staff authorized under the Child Care Act of 1969, as amended, to examine facilities for licensure.

"Parental involvement" means parental assistance with a child care program such as participation in field trips, parties, attendance on special days for special events, or parental support and cooperation

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in the classroom.

"Parent(s)", as used in this Part, means person(s) assuming legal responsibility for the care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit", as used in this Part, means a one-time only document issued by the Department of Children and Family Services for a six-month period to allow the individual(s), agency, or organization to become eligible for a license.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Preschooler" means a child from three through five years of age (children enrolled in kindergarten may be considered either preschool or school-age).

"Program" means all activities provided for the children during their hours of attendance in the facility.

"Related services" refers to, but is not limited to, supportive services (psychological, medical, social, or health) for children in a facility.

"Replace or supplement staff" means a paid or unpaid individual who performs essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children outside the visual or auditory supervision of child care staff. It also includes professional contractual staff, such as physicians, nurses, therapists, etc., if the professional provides services within the facility and is allowed access to children outside the visual or auditory supervision of staff.

"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to children.

"Resources" may include related services mentioned above and community agencies such as, but not limited to, libraries, university laboratories and their professional staffs, audiovisual materials, museums, and parks.

"Risk management plan" means a document that outlines the process for identifying and analyzing loss exposures, examining alternative risk control methods, and making and carrying out decisions that will minimize the adverse effects of accidental losses.

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"School-age" means a child up to 18 years of age who is enrolled in first grade or higher. Children enrolled in kindergarten may be considered either preschool or school-age.

"School-age director" means a person designated by the governing body to assume full administrative responsibility for the ongoing operation of one or more sites (not to exceed six) and who meets the qualifications for a child care director as outlined in Section 407.130.

"School-age site coordinator" means a person responsible for implementing curriculum and ensuring that licensing standards are met at the site of a school-age program serving a maximum of 50 children and that is overseen by a school-age director responsible for multiple sites.

"Site" means the physical location in which a day care center operates. A site may consist of more than one building if all of the buildings within the site are connected by property under the exclusive control of the day care center that is used as a playground, for parking, or for other day care related purposes.

"Support staff" means any staff member providing indirect care and services to children in a day care center, such as a driver, cook, janitor, or clerical staff.

"Swimming pool", for purposes of this Part, means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds two feet six inches (2'6") in depth as specified in the Illinois Swimming Pool and Bathing Beach Act and Code. The term includes bathing beaches and pools at private clubs, health clubs, or private residences when used for children enrolled in a child care facility.

"Toddler" means a child from 15 months to two years of age. The term may include a child up to 30 months of age depending upon physical or social development.

"Universal precautions" means an approach to infection control. According to the concept of Universal Precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Wading pool", for purposes of this Part, means any natural or artificial basin of water less than two feet six inches (2'6") in depth which is intended for recreational bathing, water play or similar activity as specified in the Illinois Swimming Pool and Bathing Beach Act and Code. The term includes recessed areas less

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than two feet six inches in depth in swimming pools and includes wading pools at private clubs, health clubs and private residences when used for children enrolled in a child care facility.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART B: PERMITS AND LICENSES

Section 407.50 Application for License

a) The application for license shall be completed by the officers of the governing body of the day care center, or its authorized representative, on forms prescribed and furnished by the Department. Only complete applications shall be processed. Incomplete or unsigned applications shall be returned for completion and signature. For the application to be considered complete, the following shall be attached to the application form:

1) Articles of incorporation and by-laws, if incorporated, indicating that the center's corporate status is in good standing with the Illinois Secretary of State;

2) Statement of purpose(s) and policies as required by Section 407.250(C);

3) List of officers, board members and committees of the governing body;

4) Three favorable personal references for each officer on the governing body and each member of any committee responsible for the day care center attesting to their character, reputation, and ability to assume responsibility for the services to be offered by the day care center;

5) Annual operating budget showing anticipated expenses and income;

6) Staffing plan which includes job descriptions and the qualifications of the staff;

7) Written delegation of administrative authority as required by Section 407.70(b); and

8) A list of persons subject to the background check requirements of 89 Ill. Adm. Code 385, Background Checks, and each person's complete, signed authorization to conduct the background check.

c) Upon receipt of a complete, signed application for a license, the Department shall conduct a license study in order to determine that the day care center meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The applicant shall receive a copy of the license study upon written request and payment of copying costs.

A new application shall be filed:

d) 1) When an application for license has been withdrawn, and the center seeks to reapply;

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- 2) When there is a change of address of the day care center; and
 3) When there is a change of name, ownership or corporate status of the center.

e) If the Department has revoked or refused to renew the license of a child welfare agency and the agency or one third or more of the members of its governing body seek to reapply for license, it may do so if at least 12 months have passed since the effective date of the revocation or refusal to renew. If a new license is granted, the Department shall impose provisions on the new license for a minimum of two years, notwithstanding any other provisions of this Part. The denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to this Act, or maintaining a facility which adheres to such standards and rules. [225 ILCS 10/6(c)]

f) The Department must approve that the facility is in reasonable compliance with the licensing standards before the day care center changes its operations regarding the number or ages of children served.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.55 Application for Renewal of License

a) Application forms for license renewal shall be mailed to the day care center by the Department six months prior to the expiration date of the license.

b) The application for the renewal of a day care center license must be completed, signed by the governing body or its authorized representative, and submitted to the Department three months prior to the expiration date of the current license in order for the application to be considered timely and sufficient. In addition, revisions in items required by Section 407.50(b) which have not been submitted previously to the Department shall accompany the application for the renewal of a license.

c) When a licensed day care center seeks to change its name, address, corporate status or ownership, a new application reflecting the revised status must be completed, signed by the governing body or its authorized representative, and submitted to the Department thirty days prior to the effective date of the change(s) in order for the application to be considered timely and sufficient. In addition, a change of name, corporate status or ownership shall be documented by the filing of a copy of the amended articles of incorporation or ownership agreement with the Department within thirty days of its effective date.

d) When a licensee has made timely and sufficient application for renewal

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of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect until the final Department decision has been made.

e) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the day care center continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensee shall receive a copy of the license study upon written request and payment of copying costs.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.60 Provisions Pertaining to the License

a) A day care center license is valid for three years unless revoked by the Department or voluntarily surrendered by the licensee.

b) The license shall not be transferred or transmitted to another person or other legal entity.

c) The license shall not be valid for a name or address other than the name or address shown on the license.

d) The current license shall be displayed at the facility at all times.

e) There shall be no fee or charge for the license.

f) The number of children specified on the license shall be the maximum in the center at any one time.

g) The facility shall operate within the license capacity, ages of children served, and areas used for child care as specified on the license document and shall otherwise adhere to the provisions of the license.

h) Unless a day care center is in compliance with the standards prescribed by this Part, it shall not expand its services or increase its licensed capacity. The day care center shall not operate (serve children) until the day care center has received a permit or license.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.65 Provisions Pertaining to Permits

a) A permit shall not be issued prior to the following:

1) Completion of the application for license and submission to the Department;

2) Employment of child care director who has passed the background check requirements of 89 Ill. Adm. Code 385, Background Checks, who meets the standards set forth in Section 407.130 and who has

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- submitted three references and proof of education;
- 3) Employment of staff who meet the requirement for First-Aid, Heimlich maneuver, and cardiopulmonary resuscitation (CPR) found in Section 407.100(h), with the food service sanitation requirements, and the development of a projected staffing plan indicating the timetable by which additional qualified staff shall be hired;
 - 4) Receipt of fire, plumbing and sanitation clearances required by Section 407.370(a) documented by a letter or certificate issued by the agency which conducted the inspection;
 - 5) Proof of current public liability insurance as required by Section 407.70(1), e.g., a copy of an insurance policy, binder or certificate of insurance, or a letter from the insurance carrier;
 - 6) The development of a plan for emergency medical care as required by Section 407.250(c)(9);
 - 7) The development of a plan for meeting the nutrition and food service requirements of Section 407.330;
 - 8) Acquisition of furnishings and equipment for the number of children to be served during the six-month permit period in accordance with Appendices A, B, and C;
 - 9) Records are on file at the day care center for each staff member who will be employed during the permit period, including a current medical report (not more than six months old), three written character references, documentation of educational qualifications, if required for the position, and proof that the employee has cleared the initial background check;
 - 10) Procedures and forms have been created as required in Section 407.70 for records and reports required;
 - 11) A written plan which indicates how requirements for a license shall be met within the permit period has been submitted to the licensing authority;
 - 12) Financial capability has been demonstrated through an annual operating budget and a business plan showing anticipated operating expenses and income;
 - 13) A written program description and daily program schedule have been developed;
 - 14) A drawing has been completed of the center's floor plan, with measurements indicated for each area used for children and of all outdoor areas that are used for children;
 - 15) A risk management plan has been developed as required by Section 407.70(k); and
 - 16) A statement of the day care center's discipline policy.
- b) A permit shall not be issued retroactively.
 - c) The permit shall not be renewable.
 - d) The permit shall not be transferred or transmitted to another person or other legal entity.
 - e) The permit shall not be valid for a name or address different from the name or address shown on the issued permit.

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- f) A current permit shall be on display at the center at all times.
- g) The number of children specified on the permit shall be the maximum allowed in the facility at one time.
- h) The day care center shall not begin operations until issuance of a permit has been recommended, in writing, by the licensing representative and supervisor.
- i) A license shall be issued anytime within the six-month period covered by the permit provided the facility achieves compliance with the standards prescribed by this Part.
- j) There shall be no fee or charge for the permit.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART C: ADMINISTRATION

Section 407.70 Organization and Administration

- a) The members of the governing body of the day care center shall be legally responsible to the Department for maintaining the standards set forth in this Part. The members of the governing body shall be of reputable and responsible character as attested by the three personal references required by Section 407.50(b)(4). The governing body may delegate responsibility for day-to-day compliance with the standards to the day care center director.
- b) The governing body shall file with the Department written policies outlining any delegation of responsibility for compliance with this Part and lines of communication among the governing body, facility staff and parents. This statement shall be signed by the governing body and the day care center director with updates as changes occur.
- c) The governing body, or others designated in writing to represent the center, shall notify the Department immediately of major changes affecting any area of operation regulated by 89 Ill. Adm. Code 407, such as governance, location, physical plant, finances, staff, equipment, or a fire or natural disaster that affects the ability of the day care center to continue to operate.
- d) The Department shall be notified in writing within seven days after any notice of legal action against the center.
- e) The child care director and staff shall have a working knowledge of the following. Staff shall be given the opportunity to review these documents and the date of their review shall be recorded in the personnel files:
 - 1) the Child Care Act of 1969 [225 ILCS 10];
 - 2) the Abused and Neglected Child Reporting Act [325 ILCS 5]; and
 - 3) the portions of 89 Ill. Adm. Code 407, Licensing Standards for Day Care Centers, that affect their functions and responsibilities.
- f) A complete and current set of licensing standards shall be available

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- at all times in an area that is accessible to all employees.
- g) The governing body shall insure that an adequate process is in place for recruiting, hiring, and maintaining staff as required by this Part.
 - h) A day care center shall have written personnel policies available to the staff at all times. These policies shall include, but are not limited to, job descriptions, compensation and benefits, pay dates, Social Security, worker's compensation, unemployment insurance, holidays, sick leave, vacations, probationary periods, grievance procedures, promotions, staff development, discipline, termination of employment and performance evaluation.
 - i) Each child's record shall contain a statement signed by the child's parent(s) or guardian, indicating that he/she has received a summary of licensing standards and other materials designated by the Department for such distribution.
 - j) Suspected child abuse or neglect shall be reported immediately to the Child Abuse/Neglect Hotline as required by the Abused and Neglected Child Reporting Act. The telephone number for the reporting hotline is 1-800-252-2873.
 - k) The center shall develop a written risk management plan that identifies potential operational risks, specifies ways to reduce or eliminate the risks and establishes procedures to be followed in an emergency or crisis. This risk management plan shall specifically address at least the following:
 - 1) training provided to staff to identify and minimize risks, particularly as it relates to the care and supervision of children;
 - 2) the design and maintenance of the building and any vehicles used in day care;
 - 3) maintenance and storage of food service and maintenance equipment, chemicals, and supplies;
 - 4) selection, maintenance, and supervision of education materials, toys, pets, and playground equipment;
 - 5) food service sanitation;
 - 6) cleanliness of the building and grounds; and
 - 7) emergency and disaster preparedness plans.
 - l) The day care center shall carry public liability insurance in the single limit minimum amount of \$300,000 per occurrence.
 - m) Any accident or injury requiring professional medical care, death or other emergency involving a child shall be entered into the child's record and orally reported immediately to the child's parent or guardian and to the appropriate regional licensing office of the Department. If the center is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Oral reports to the Department shall be confirmed in writing within two business days of the occurrence.
 - n) The day care center shall maintain records essential for the operation of the facility. Records pertaining to children in care and to staff

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- shall be maintained at the day care center.
- 1) Financial records shall be maintained in Illinois and produced immediately upon request for licensing review.
 - A) The day care center shall maintain financial records including projected and current operating budget.
 - B) The day care center shall maintain financial solvency to assure adequate care of children and compliance with the standards prescribed in this Part. A center is considered insolvent if the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors and property that may be exempted from property of the estate. (This definition is adapted from the U.S. Bankruptcy Code of 1978, 11 U.S.C. 101.)
 - 2) Required personnel, general and financial records shall be maintained for five years. Children's records shall be maintained for five years after the child has been discharged from care or services.
 - 3) Accurate daily attendance records, by group, shall be maintained for one year. If a child attends on a part-time or irregular basis, this shall be recorded in the attendance records. The provisions of this Section notwithstanding, records required by this Part shall be maintained until all audits have been completed and no litigation is pending or reasonably anticipated.
 - 4) Authorized representatives of the Department shall be admitted to the center during the hours of operation for the purpose of determining compliance with the Child Care Act of 1969 and standards set forth in this Part.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.80 Confidentiality of Records and Information

- a) The facility personnel shall respect the confidential nature of the child and personnel records.
- b) Information pertaining to the admission, progress, health, or discharge of an individual child shall be confidential and limited to facility staff designated by the child care director and Department representatives unless the parent(s) of the child has granted written permission for disclosure or dissemination.
 - 1) The facility shall have confidentiality release forms signed by the parent(s) which specify to whom information may be released and the length of time the release form is valid. Such release forms shall be on file at the facility prior to the release of confidential information.
 - 2) If information is requested by outside persons or agencies, a

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specific written request signed by the person requesting the information shall be obtained and placed on file at the facility prior to the release of the information.

- 3) Except in extreme emergency or when there is evidence of child abuse or neglect, any child 12 years of age or older must be informed of such disclosure of information.
- c) Authorized Department licensing representatives, Department child protection investigators, or other Department representatives who have the Department director's written authorization (specifying the statutory authority or administrative rule under which access is granted) shall have access to the day care center's records and reports. All persons with access to records and reports shall respect their confidential nature.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART D: STAFFING

Section 407.90 Staffing Structure

- a) The day care center shall provide staff to ensure the care and safety of the children at all times.
 - 1) A written staffing plan shall organize the staff and enable them to give the children continuity of care and supervision.
 - 2) Each staff person shall be qualified for his or her position, as required by this Part, at the time he or she is hired or promoted.
 - 3) Sufficient child care staff shall be provided to assure that staff/child ratios are maintained as required by Section 407.190.
 - 4) Staff changes shall be minimized so that each child can experience consistent relationships with as few adults as possible.
 - 5) All staff employment changes shall be reported to the Department within five business days on forms prescribed by the Department.
- b) The day care center shall employ a qualified child care director to oversee the program and administer day-to-day operations. The child care director shall be responsible for the planning and supervision of the program and activities of the children; orientation to newly employed staff; on-site supervision of all staff; and in-service training totaling a minimum of 15 clock hours per year for each member of the child care staff.
- c) Multi-site school-age programs, with a maximum daily enrollment of 50 children per site, may use a two-tier administrative structure consisting of a school-age director responsible for multiple school-age sites and site coordinators responsible for each school-age site. The school-age director may be responsible for up to six different school-age sites, each of which is under the direct

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supervision of a school-age site coordinator. The division of responsibilities between the school-age director and the on-site coordinator shall be documented.

- d) Each group of children shall be under the direct supervision of an early childhood teacher or a group worker.
 - 1) Infant, toddler and preschool groups, as well as multi-age groups, shall be supervised by an early childhood teacher at all times, except as allowed by Section 407.190(e).
 - 2) School-age groups shall be supervised by a group worker at all times, except as allowed by Section 407.90(e)(2) below.
 - 3) Early childhood teachers and group workers shall be responsible for planning and supervising the group, as well as supervising assistants.
- e) Assistants shall be assigned to each group as needed to meet the staff/child ratios required by Section 407.190.
 - 1) Early childhood assistants shall be assigned to infant, toddler and preschool groups and work under the direct supervision of an early childhood teacher. They shall not assume full responsibility for the group, except as allowed by Section 407.190(e).
 - 2) Group worker assistants shall be assigned to school-age groups and work under the direct supervision of a group worker. At the discretion of the group worker, they may be responsible for small groups of ten or fewer children during special planned on-site activities for a limited period of time, not to exceed one hour per five-hour period.
- f) Support staff shall be provided as needed.
 - 1) There shall be sufficient support staff so that assignment of service duties does not interfere with the child care staff's responsibilities for the direct care of the children.
 - 2) Support staff shall have the same personnel qualifications required of other staff by Section 407.100.
 - g) Resource personnel shall be available as appropriate. Persons providing professional services to children shall comply with current State registration and/or certification laws, if applicable.
 - h) Day care centers licensed for ten or fewer three to five-year-old children and operating with only one regular staff person shall provide:
 - 1) A daily assistant to help when attention must be given to activities other than the direct care of children; and
 - 2) At least two persons who can respond to a call and be on the premises within five minutes, so that the adult in charge will not have to leave the children unattended in the event of an emergency; and
 - 3) A substitute who is familiar with the children and program.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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Section 407.100 General Requirements for Personnel

- a) Staff shall be able to demonstrate the skill and competence necessary to contribute to each child's physical, intellectual, personal, emotional, and social development. Factors contributing to the attainment of this standard include:
- 1) Emotional maturity when working with children;
 - 2) Cooperation with the purposes and services of the program;
 - 3) Respect for children and adults;
 - 4) Flexibility, understanding and patience;
 - 5) Physical and mental health that do not interfere with child care responsibilities;
 - 6) Good personal hygiene;
 - 7) Frequent interaction with children;
 - 8) Listening skills, availability and responsiveness to children;
 - 9) Sensitivity to children's socioeconomic, cultural, ethnic and religious backgrounds, and individual needs and capabilities;
 - 10) Use of positive discipline and guidance techniques; and
 - 11) Ability to provide an environment in which children can feel comfortable, relaxed, happy and involved in play, recreation and other activities.
- b) Child care staff, in addition to meeting the requirements of Section 407.100(a) above, shall generally demonstrate skill and competence necessary to assume direct responsibility for child care including:
- 1) Skills to help children meet their developmental and emotional needs; and
 - 2) Skills in planning, directing, and conducting programs that meet the children's basic needs.
- c) Child care staff shall be willing to participate in activities leading to professional growth in child development and education, and in training related to the specific needs of the children served.
- 1) The director and each staff member shall participate in 15 clock hours of in-service training per year. Topics which must be included in the training are staff requirements to recognize and report suspected child/abuse or neglect, child development, symptoms of common childhood illnesses, hygiene, guidance and discipline and the legal protection afforded to persons who report violations of licensing standards.
 - 2) A record of in-service training shall be maintained at the site.
 - 3) The required in-service training hours may consist of on-site training or documented at seminars, workshops, conferences and early childhood classes. Staff meetings may be counted only if a planned in-service program is presented.
 - 4) Staff serving children who require special program services shall receive in-service training and/or consultation on issues related to those specific needs.
- d) Newly employed staff shall submit a report of a physical examination completed no more than six months prior to employment which provides

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evidence that they are free of communicable disease, including active tuberculosis, and physical or mental conditions that could affect their ability to perform assigned duties. This examination shall include a test for tuberculosis by the Mantoux method.

e) Cooks, kitchen helpers and others assisting in the preparation, serving and handling of food and cooking/serving utensils shall make their positions known to the examining physician, and shall comply with the current rules and regulations of the Illinois Department of Public Health pertaining to Food Service Sanitation (77 Ill. Adm. Code 750).

- f) Staff shall have physical re-examinations every three years, as required by the Food Service Sanitation Code, and whenever communicable disease or illness is suspected.
- g) A staff member experiencing fever, sore throat, vomiting or diarrhea shall not be responsible for food handling or the care of children. The center shall have on duty at all times at least one staff member who has successfully completed training in first aid, cardiopulmonary resuscitation (CPR) and the Heimlich maneuver, and for centers serving infants, first aid for choking infants in accordance with the approved method specified in the Department of Public Health's rules 77 Ill. Adm. Code 520. The Treatment of Choking Victims. CPR certification must be specific for all age groups served, i.e., infant (birth to 12 months), child (one to eight years) and adult (eight years and older).
- i) Any center that serves food shall have posted in a conspicuous location visible to employees the Choke Saving Methods Poster available from the Illinois Department of Public Health.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.110 Background Checks for Personnel

The day care center shall require all persons subject to background checks, as defined in 89 Ill. Adm. Code 385.20, to furnish written information regarding any criminal convictions, to submit to fingerprinting and to authorize the background checks required by 89 Ill. Adm. Code 385, Background Checks.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.120 Personnel Records

a) A confidential file shall be maintained on each staff person and contain at least the following information:

- 1) A copy of a form prescribed by the Department which contains information on persons employed in the day care center;
- 2) A record of current medical examination on a form prescribed by the Department;

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- 3) Three written character references, verified by the day care center;
- 4) Proof of educational achievement as required for the individual's position. Foreign credentials require additional documentation providing a statement of the equivalency in the U.S. educational system;
- 5) Verification of previous experience, when such experience is considered as part of the individual's qualifications for his or her position; and
- 6) A signed statement that acknowledges the employee's status as a mandated reporter of suspected child abuse and neglect.

- b) Authorizations for and results of the background check required by 89 Ill. Adm. Code 385, Background Checks, shall be maintained in a separate and confidential file.
- c) Whenever staff changes occur, including a change in an employee's employment or position status shall be reported to the Department within five business days. Name changes shall be documented in the personnel files.

- d) For any individual who serves as a child care facility driver, a driver application shall be submitted to the Department with a copy of the current medical report that was completed not more than 60 days prior to assuming duties as a child care driver. If an individual holds a valid school bus permit and is currently employed by a school district or parochial school, a copy of the school bus driver permit may be substituted for the required medical examination.
- e) The day care center shall maintain written documentation of the following:

- 1) That a person certified in food service sanitation is on site to supervise the preparation and/or service of food, including the service of catered food. This requirement does not apply if the center serves no food, or serves only prepackaged prepared snacks. Refer to the Illinois Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750);
- 2) That in-service training is being provided as required for the child care director and each member of the child care staff; and
- 3) That an employee who has successfully completed training in first aid, cardiopulmonary resuscitation (CPR) and the Heimlich maneuver is on site at all times. CPR certification shall be specific for all age groups served (infant, child and adult).
- f) The day care center shall submit copies of the following to the Department for the child care director and any person designated to serve as alternate director:
- 1) Proof of educational achievement, including course descriptions if necessary; and
- 2) Three written references.

- g) The records required by this Section shall be maintained in a locked file at the day care center.

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(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.130 Qualifications for Child Care Director

- a) Day care centers licensed for more than 50 children shall employ a full-time child care director to be on site in a non-teaching capacity. The director may be on site in a teaching capacity at the following times:
- 1) During the first and last hours of a program that operates ten or more hours per day; or
- 2) When attendance falls below 50 children.
- b) Day care centers licensed for 50 or fewer children, or half-day programs with children attending no more than three consecutive hours per day regardless of capacity, may employ a child care director who also serves as a member of the child care staff.
- 1) When the director serves in both capacities, he or she must meet the qualifications of both the director position and the teaching position.
- 2) When the director attends to non-teaching responsibilities, his or her group must be supervised by a person qualified to be in charge of the group.
- c) The child care director shall be at least 21 years of age.
- d) The child care director shall have a high school diploma or equivalency certificate (GED).
- e) In addition to meeting the requirements of Section 407.100, the child care director of a facility serving the same number of groups of pre-school and school age children or more groups of pre-school children than groups of school age children shall have achieved:
- 1) Sixty (60) semester hours (or 90 quarter hours) of credit from an accredited college or university with 18 semester or 27 quarter hours in courses related directly to child care and/or child development from birth to age six; or
- 2) Two years (3120 clock hours) of child development experience in a nursery school, kindergarten, or licensed day care center, one year of college credits with ten semester or 15 quarter hours in courses related directly to child care and/or child development, and proof of enrollment in an accredited college or university until two years of college credit have been achieved. A total of 18 semester hours or 27 quarter hours in courses related directly to child care and/or child development is required to be obtained within the total two years of college credits; or
- 3) Completion of the credentialing program of the CDA National Credentialing Award System (The Child Development Associate, 1982) with a current credential as a Child Development Associate, or other credentialing program approved in accordance with Appendix G of this Part, completion of 12 semester or 18 quarter

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hours in courses related to child care and/or child development from birth to age six at an accredited college or university, and two years (3120 clock hours) child development experience in a nursery school, kindergarten or licensed day care center.

f) In addition to meeting the requirements of Section 407.100, the child care director of a facility serving more groups of school age children than groups of pre-school children shall have achieved:

- 1) Sixty (60) semester hours or 90 quarter hours of credit from an accredited college or university with 18 semester or 27 quarter hours in courses related to child care and/or child development, including courses related to school-age children; or
- 2) Two years (3120 clock hours) of child development experience in a recreational nursery school, kindergarten, or licensed day care center serving school-age children, one year of college credits with ten semester or 15 quarter hours in courses related directly to child care and/or child development, and proof of enrollment in an accredited college or university until two years of college credit have been achieved. A total of 18 semester hours or 27 quarter hours in courses related directly to child care and/or child development, including courses related to school-age children, is required to be obtained within the total two years of college credits.

g) Completion of a teacher training program accredited by the American Montessori Society or Association Montessori International may be substituted for the courses directly related to child care and/or child development required by this Section. Persons holding a Montessori pre-primary credential may serve as director to children through age six. Persons holding a Montessori primary or elementary credential may serve as director to children six years of age or older.

h) Persons who were deemed qualified to serve as a child care director prior to January 1, 1985, continue to be deemed qualified for their position.

- i) When a program serves only school-age children and meets the criteria of Section 407.90(c), qualifications for the school-age director responsible for multiple sites and the site coordinators shall be as follows:

- 1) The school-age director and each site coordinator shall be at least twenty-one (21) years of age.

- 2) The school-age director shall meet both of the following requirements for education and experience:

- A) Sixty (60) semester hours (or 90 quarter hours) of credit from an accredited college or university, with 18 semester hours (or 27 quarter hours) in courses related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields; and

- B) At least 1560 clock hours (approximately one year full-time)

of child development experience in a recreational program or a licensed day care center serving school-age children.

3) The school-age site coordinators must meet one of the following qualifications:

- A) Thirty semester hours (or 45 quarter hours) of credit from an accredited college or university with 12 semester hours (or 18 quarter hours) related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields and 750 clock hours of experience in a recreational program or a licensed day care center serving school-age children; or
- B) 1560 clock hours of experience in a recreational program or licensed day care center serving school-age children and either six semester hours (or nine quarter hours) of credit from an accredited college or university related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields or 80 clock hours of integrated training related to school-age children by an approved group or organization resulting in a certification in school-age child care.

i) A staff member who meets the qualifications for a day care center director shall be designated to assume decision-making responsibility whenever the child care director is off site. A record of employees who meet the qualifications for director and who have been designated to assume decision-making responsibility in the director's absence shall be kept at the site. The person designated as alternate director may be in the classroom and counted in the staff/child ratio under the following circumstances:

- 1) When the center meets the criteria of Section 407.130(b) above; or
- 2) During the first and last hours of a program that operates ten or more hours per day; or
- 3) When attendance falls below 50 children.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.140 Qualifications for Early Childhood Teachers and Group Workers

- a) Early childhood teachers and group workers shall be at least 19 years of age.
- b) Early childhood teachers and group workers shall have a high school diploma or equivalency certificate (GED).
- c) In addition to meeting the requirements of Section 407.100, the early childhood teacher responsible for a group of children that includes infants, toddler or preschool-age children shall have achieved:
 - 1) Sixty (60) semester hours (or 90 quarter hours) of credits from

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an accredited college or university with six semester or nine quarter hours in courses related directly to child care and/or child development, from birth to age six; or

- 2) One year (1560 clock hours) of child development experience in a nursery school, kindergarten, or licensed day care center and one year of credits from an accredited college or university with six semester or nine quarter hours in courses related directly to child care and/or child development, from birth to age six; or
- 3) Completion of the credentialing program of the CDA National Credential Award System (The Child Development Associate, 1982) with a current credential as a Child Development Associate (CDA); or

4) Completion of other credentialing program(s) approved by the Department in accordance with Appendix G of this Part.

- d) Group workers shall be at least 19 years of age and at least five years older than the oldest child with whom they work.

e) In addition to meeting the requirements of Section 407.100, the newly employed group worker responsible for a group of school-age children shall have achieved:

- 1) Thirty semester hours (or 45 quarter hours) of credit from an accredited college or university with 12 semester hours (or 18 quarter hours) related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields and 750 clock hours of experience in a recreational program or a licensed day care center serving school-age children; or
- 2) 1560 clock hours of experience in a recreational program or licensed day care center serving school-age children and either six semester hours (or nine quarter hours) of credit from an accredited college or university related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields or 80 clock hours of integrated training related to school-age children by an approved group or organization resulting in a certification in school-age child care.

- f) Completion of a teacher training program accredited by the American Montessori Society or Association Montessori International may be substituted for the courses directly related to child care and/or child development required by this Section. Persons holding a Montessori pre-primary credential may supervise children through age six. Persons holding a Montessori primary or elementary credential may supervise children six years of age or older.

g) Persons who were deemed qualified as a child care worker or group worker prior to January 1, 1985, continue to be deemed qualified as an early childhood teacher or group worker.

- h) Early childhood teachers and group workers shall be responsible for the planning and supervision of a group of children. Early childhood workers and group workers shall also be responsible for supervising

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Persons assigned to assist their group who are not similarly qualified.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.150 Qualifications for Early Childhood Assistants and Group Worker Assistants

- a) Early childhood assistants shall meet the requirements of Section 407.100, with the exception of subsection (b).
- b) Early childhood and school-age group worker assistants shall have a high school diploma or equivalency certificate (GED).
- c) Early childhood assistants shall work under the direct supervision of an early childhood teacher or group worker and shall not assume full responsibility for a group of children.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.160 Students and Youth Aides

- a) Students and youth aides may assist in the care of children provided that the student and youth aides:

- 1) Are 14 years of age or older and at least five years older than the oldest child in the group;
- 2) Assist only under the direct supervision of an early childhood teacher or a school-age group worker; and
- 3) Are not counted for purposes of maintaining staff/child ratios, except as provided in Section 407.160(d) below.

- b) The day care center shall maintain records on each student or youth aide that include:

- 1) The full name, home address and home telephone number of the student or youth aide.
- 2) A copy of the current school medical examination form for the student or youth aide.
- 3) The name of the person at the day care center who is responsible for supervising the student or youth aide.
- 4) When a student is placed as part of a practicum or vocational training program, or when a youth aide is placed as part of an agency leadership training program, the record shall also include:

- A) The name of the school or agency arranging the placement.
- B) The name, title and telephone number of the school or agency staff member responsible for the participation of the student or youth aide.
- 5) A plan for the participation of the student or youth aide shall be agreed upon in writing.

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A) The plan shall be signed by the participant, the supervising child care staff member and the school or agency staff member.

B) The plan shall specify duties and hours and indicate the person and group to which the student or youth aide is assigned while in the center.

6) There shall be a written agreement regarding procedures for terminating an unsatisfactory student or youth aide.

C) Employment or use of student or youth aides shall be in compliance with the Illinois Child Labor Law [820 ILCS 205] and the child labor provisions of the federal Fair Labor Standards Act (29 U.S.C. 214).

d) Students or youth aides may be counted as assistants for purposes of maintaining staff/child ratios when all of the following conditions are met:

1) They have completed one year of a vocational child care training program; and

2) They are 16 years of age or older and at least five years older than the oldest child in the group; and

3) They regularly work fewer than four hours per day, except during vacation periods when they may work up to six hours per day; and

4) The number of students or youth aides does not exceed one-third of the total staff required to meet the staff-child ratio requirements at any one time.

e) Students or youth aides shall not be considered as part of the attendance count when determining compliance with the capacity requirements.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.170 Substitutes

a) Substitutes shall have the same personal, health, administrative, and professional qualifications required of staff for whom they substitute, including completion of a background check as required by 89 Ill. Adm. Code 385.

b) The day care center shall maintain signed documentation certifying that persons agreeing to be available as substitutes or for use in emergencies are currently available, have agreed to serve in this capacity and have passed the background check required by 89 Ill. Adm. Code 385, Background Checks.

c) Substitutes shall visit the day care center to familiarize themselves with the program before they are called for duty.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.180 Volunteers

- a) Volunteers whose duties require contact with children on a regularly scheduled basis of one or more times per month shall meet the same personnel qualifications required of other staff by Section 407.100(a).
- b) Volunteers whose duties require contact with children or food one or more times per month shall present a health report as required for other staff.
- c) Volunteers used to replace or supplement staff, as defined in Section 407.21, shall comply with the background check requirements of 89 Ill. Adm. Code 385, Background Checks.
- d) Volunteers may serve in any capacity for which they are qualified.
- e) When a required staff position is filled by a volunteer, the volunteer shall meet all standards that apply to an employed person in that position.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.190 Grouping and Staffing

- a) The group sizes and ratio of child care staff to children present at any one time shall be as follows:

AGE OF CHILDREN	STAFF/CHILD RATIO	MAXIMUM GROUP SIZE
Infants (6 weeks through 14 months)	1 to 4	12
Toddlers (15 through 23 months)	1 to 5	15
Two years	1 to 8	16
Three years	1 to 10	20
Four years	1 to 10	20
Five years (preschool)	1 to 20	20

School-age:
Kindergartners present
All in first grade
or above

1 to 20

1 to 20

- b) The following exception to this Section is permitted: An early childhood teacher aided by an early childhood assistant may supervise a group of up to 30 children if all of the children are at least five years of age.

c) Whenever children of different ages are combined, as allowed by Section 407.190(d) below, the staff/child ratio and maximum group size shall be based on the age of the youngest child in the group.

d) Children may be combined in any of the following ways:

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- 1) Infants, toddlers and two-year-olds may be combined; and/or
 - 2) Two-year-olds through five-year-old preschool children may be mixed in any combination; and/or
 - 3) School-age kindergarten children may be mixed with five-year-old preschoolers; and/or
 - 4) Children of all ages may be mixed during the first and last hours of programs that operate ten or more hours per day; and/or
 - 5) Programs that combine children in any of the above ways shall have staff training activities and daily schedules to meet the needs of all children in the group.
- e) With the exception of infants and toddlers, children may be under the direct supervision (staff in the same room) of 50% of the qualified staff required by this Section during nap times, provided the required staff-to-child ratio is maintained on the premises.

- 1) Infants and toddlers shall be under the direct supervision of staff required by this Section at all times.
- 2) When all of the children are two years of age or older, an early childhood assistant 18 years of age or older may provide direct supervision without the presence of an early childhood teacher for a maximum of one hour per day while the children are all on cots.

- f) Children shall not be left unattended at any time.
- g) When the needs of individual children dictate, additional staff may be required to meet the needs of all children. The appropriate ratio shall be determined through consultation among the parent, staff, resource personnel and the Department.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART E: PROGRAM REQUIREMENTS

Section 407.200 Program Requirements for All Ages

- a) Each child shall be recognized as an individual whose gender, ability differences, personal privacy, choice of activities, cultural, ethnic, and religious background shall be respected.
- b) The staff of the day care center shall have a written plan for encouraging parents to visit the center to observe and participate in their children's experience. Parents shall be allowed to visit the center without an appointment any time during normal hours of operation.
- c) The program shall include opportunities for a child to have free choice of activities to play alone, if desired, or with one or several peers chosen by the child.
- d) The facility shall provide a basic program of activities geared to the age levels and developmental needs of the children served. The daily program shall be posted in the facility, and shall provide:

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- 1) Regularity of such routines as eating, napping, and toileting with sufficient flexibility to respond to the needs of individual children;
- 2) A balance of active and quiet activity;
- 3) Daily indoor and outdoor activities in which children make use of both large and small muscles. For pre-school programs which operate less than three hours per day, outdoor activities are recommended, but not required;
- 4) Occasional trips and activities away from the facility (frequency to be determined by the day care center);
- 5) A supervised nap or rest period for children under six years of age as required by Section 407.350.

e) The daily program of the facility shall provide experiences which promote the individual child's growth and well-being and the development of self-help and communication skills, social competence, and positive self-identity.

f) Program planning shall provide the following:

- 1) A variety of activities which takes into consideration individual differences in interest, attention span, and physical and intellectual maturity;
 - 2) Sufficient time for activities and routines, so that the children can manage them and progress at their own developmental rate;
 - 3) Sufficient materials and equipment to avoid excessive competition and long waits;
 - 4) Program planning so that the children are not always required to move from one activity to another as a total group. Staff-initiated large group activities shall not be the predominant program option;
 - 5) Smooth transition from one activity to another to avoid long waiting periods between activities and prolonged periods during which the children must stand or sit; and
 - 6) Provision for privacy through arranging a small, quiet area that is easily accessible to the child who seeks or needs time to be alone.
- g) The use of visual media, such as television, films and videotapes, shall be limited to developmentally appropriate programming, and an alternative activity shall be made available. Media may be used as a special event or to achieve a specific goal, but shall not be used as a regular daily routine.
- h) The program shall take into account the stress and fatigue that result from constant pressures and stimulation of long hours in a group living situation.
- i) Activity areas, equipment, and materials shall be arranged so that staff can be easily aware of the child's presence and activity at all times.
- j) Equipment shall be arranged in orderly, clearly defined areas of interest, with sufficient space in each area for the children to see various activities available to them.

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- k) Programs involving intergenerational activities shall conduct those activities according to Section 407.230.
- l) Materials and equipment shall respect children's racial, cultural, ethnic, religious and gender identities, as well as age and ability. Each child shall have access to the full variety of age-appropriate equipment on a daily basis.
- n) When a specific plan is developed to meet a child's individual needs, the record shall include:
- 1) Any assessments by center staff or resource personnel;
 - 2) Written program recommendations and goals for the child;
 - 3) A written plan for implementing those recommendations within the program;
 - 4) Periodic written evaluations of whether goals are being met;
 - 5) Adjustments to the program plan as indicated by the evaluations.
- o) Staff shall consult with parents before implementing any special procedures required to meet a child's individual needs.
- p) Children shall not be left unattended at any time.
- q) Staff assignments shall be such that children experience comfortable, ongoing relationships with adults. Every attempt shall be made to establish a primary relationship between each child and one adult.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.210 Special Requirements for Infants and Toddlers

- a) A center receiving children within the infant and toddler age range shall comply with standards for all day care centers, except when inconsistent with the special requirements prescribed by this Section.
- b) A center serving infants and toddlers shall have a licensed physician, registered nurse, licensed practical nurse or licensed physician's assistant with training in infant care to instruct child care staff in the proper health care of infants and toddlers. The person shall visit the facility to observe the child care techniques of the staff and provide in-service training. Visits shall be at least weekly during the permit period and monthly thereafter.
- c) A center for infants and toddlers shall have sufficient indoor and outdoor space and appropriate furniture and equipment to provide for support functions necessary to the program.
- l) Separate space for infants and toddlers shall be available away from older children except in facilities enrolling ten or fewer children or in programs combining infants, toddlers, and two-year-olds.
- 2) The amount of space required for infants and toddlers shall be based on the sleeping and play area arrangements, as required by Section 407.370(d).
- 3) A sink or lavatory for the infant/toddler program shall be in the same room for the use of staff for hand washing and for use

- by the children.
- 4) A toilet for the infant/toddler program shall be easily accessible.
- 5) One toilet with training seat, child-size toilet or potty chair shall be provided for every three toddlers being toilet-trained.
- 6) No extension cords shall be used in areas where children are permitted. All electrical cords not in use with supervision of an adult shall be unplugged and the outlets covered.
- 7) The means for warming bottles and food shall be accessible only to adults. Microwave ovens shall not be used for the purpose of warming bottles.
- 8) A refrigerator shall be available and easily accessible to the children's room.

d) Indoor and outdoor play materials and equipment suitable for staff to use with infants and toddlers to stimulate learning, growth, health, and overall development shall be provided in accordance with the equipment requirements in Appendix A of this Part.

e) Child care shall be given in a manner that meets the children's health and safety needs, as well as their nurturing requirements.

f) Food for infants shall be handled and served according to the Provisions of Section 407.330 and this Section, as applicable.

l) Daily food requirements for children under one year of age shall be offered to the child as detailed in Appendix D, unless otherwise indicated in writing by parent(s), in consultation with a physician.

2) Food for infants not consuming table food may be provided by either the day care center or the parent, according to the center's written policy.

3) Flexible feeding schedule of infants shall be established to coordinate with parents' schedules at home and to allow for nursing infants.

4) Infants not consuming table food shall be fed in consultation with the parents. Feeding times and amounts consumed shall be documented in writing and available for review by the parents.

5) If provided by the day care center, formula shall be diluted according to the manufacturer's instructions using water from a source approved by the local health department.

6) Formula shall be milk-based, unless otherwise indicated in writing by the child's physician.

7) If the child's formula is provided by the parent, it shall be labeled, dated and refrigerated upon arrival at the center.

8) Bottles of breast milk and opened containers of unmix concentrate shall be dated. When there is more than one bottle-fed infant, all bottles shall be labeled with the child's name.

9) All filled bottles of milk or formula shall be refrigerated until immediately before feeding. Contents remaining after a feeding shall be discarded after two hours.

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- 10) Formula prepared from powder or concentrate or an open container of ready-to-feed formula shall be labeled and dated. Prepared formula not used within 24 hours shall be discarded.
- 11) Breast milk may be stored up to 48 hours in the refrigerator or up to two weeks in the freezer before discarding.
- 12) Breast milk shall be used only for the intended child.
- 13) Frozen breast milk shall be thawed under running water or in the refrigerator. Bottles of formula or breast milk shall be warmed by placing them in a pan of hot (not boiling) water for five minutes, followed by shaking the bottle well and testing the milk temperature before feeding.
- 14) Bottles shall never be warmed or defrosted in a microwave oven.
- 15) Only sanitized bottles and nipples shall be used. Bottles and nipples reused by the day care center shall be sanitized by washing in a dishwasher or by boiling for five minutes or more just prior to refilling. Nipples are to be rinsed prior to washing.
- 16) No food other than formula, milk, breast milk, or water shall be placed in a bottle for infant feeding.
- 17) When children are exclusively bottle-fed or breast-fed, supplemental water shall be offered.
- 18) Juice may be fed from a cup when the infant is old enough to drink from a cup (approximately six months). Juices shall be 100 percent fruit juice.
- 19) Children under three years of age shall not be fed berries, candies, raisins, corn, whole grapes, hot dogs, nuts, popcorn, peas or peanut butter, as these foods may cause choking.
- 20) Cooked carrots and bananas may be served to infants only if mashed, grated or pureed.
- 21) Whole milk shall be served to children under two years of age unless low-fat milk is requested by the child's physician.
- 22) The use of honey for sweetening infant foods is not allowed.
- 23) Staff members shall wash their hands and the child's hands according to Section 407.320 before feeding each child.
- 24) Infants shall either be held or be fed sitting up for bottle feeding. Infants unable to sit shall always be held for bottle feeding. Bottle propping and carrying of bottles by young children throughout the day/night shall not be permitted.
- 25) Foods stored or prepared in jars shall be served from a separate dish and spoon for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the infant's name, dated, refrigerated and served within 24 hours or discarded.
- 26) In accordance with the American Academy of Pediatrics recommendations, solid foods shall be introduced generally between four and six months of age. The time of introduction shall be indicated by each child's nutritional and developmental needs after consultation with the parents.

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- 27) Infants, according to their developmental ability, shall be allowed and encouraged to feed themselves. Staff shall provide supportive help for as long as each child needs such help.
- g) Routines, such as naps and feeding, shall take into consideration parents' information and wishes about the routines followed in the home.
- h) Infants and toddlers shall be provided a daily program designed to meet the developmental needs of children of this age.
 - 1) The same staff member shall feed, diaper and play with the child every day to establish interaction and establish continuity in the child's relationship with as few adults as possible.
 - 2) Children shall be free to creep, crawl, toddle and walk as they are physically able. Walkers are not permitted unless prescribed by a physician.
 - 3) Toddlers shall be encouraged to explore and manipulate art materials and shall not be expected to produce a finished art product. Food shall never be used in art activities, because toddlers are developing self-regulatory skills and must learn to distinguish between food and other objects that are not to be eaten.
 - 4) Children shall be taken outdoors for a portion of every day.
 - 5) A variety of toys shall be accessible on low open shelves for the children to use, and these shall be rotated with stored toys.
 - 6) For awake infants who cannot move about the room, the staff shall hold, rock and/or carry the child every 15 minutes and change the place and position of the child and the selection of toys available.
 - 7) Information about feeding and elimination and other important information shall be tracked and made available to parents when the child is picked up at the end of the day.
- i) A written plan shall be provided prior to reassignment for children who are moved to a new group. The development of this plan shall involve the child's parent(s) and the child care staff in both the sending and receiving rooms.
- j) The daily program for infants and toddlers shall provide experiences which promote the individual child's growth and well-being in the development of gross and fine motor skills, sensory learning, language, cognition, and positive self-concept.
- k) Self-care such as washing, dressing, toileting, brushing, and combing shall be encouraged as each child shows evidence of ability to do so.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.220 Special Requirements for School-Age Children

- a) A center receiving children within the school-age range shall comply with standards prescribed for all day care centers except when

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inconsistent with the special requirements prescribed by this Section.

- b) The facility shall provide a designated area so that the older children's presence shall not interfere with the needs and care of younger children. School-age children may be combined in the same group as younger children only as allowed by Section 407.190.
- c) Clear definitions of legal responsibility and procedures shall be established among parent, facility and school when children move to and from school.
 - 1) A parent shall be legally responsible for the child en route to the center unless transportation or escort service is provided by the center or the school.
- 2) Plans for transportation shall be established and agreed upon in writing by the parents, the school and the facility. Parents must sign a written consent allowing school-age children to be transported to another location or to their home where they are placed on their own supervision. Transportation plans may include, but are not limited to:
 - A) Children leaving the center to go to school;
 - B) Children leaving school to go to the center; and
 - C) Children leaving the center.
- d) The day care center shall provide a program and activities that recognize the developmental and educational needs of school-age children who need group care before and after school.
 - 1) Quiet activities such as, but not limited to, puzzles, table games, reading books, simple art or special projects, and opportunities to do homework shall be accessible to children on a free choice basis.
- 2) Children who have been in school all day shall have time set aside for relaxation and recreation immediately upon arrival from school.
- 3) Opportunity shall be available for the development of skills in areas such as, but not limited to, sports, art, and music.
- 4) Multiple formats for activities (individual, small group or large group) shall be available to children.
- 5) Special activities outside the confines of the center shall be provided, such as trips to the library.
- 6) The program shall be flexible to allow the children to participate in after-school activities sponsored by the school.

The daily and weekly schedule shall provide a balance of activities in consideration of each child's total daily and weekly experience.

A variety of developmentally appropriate activities and materials shall be provided to help children achieve the following goals:

- 1) Positive self-concept, sense of independence and wise use of leisure time;
- 2) Social skills, including an awareness of community;
- 3) Cognitive skills;
- 4) Physical development and skills;

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- 5) Sound health, safety and nutritional practice;
- 6) Creative expression; and
- 7) Respect for diversity.

Opportunities for long-term projects for older children (eight years and up) or developmentally advanced children shall be provided at least quarterly.

Opportunities shall be provided for homework, if requested, that may include peer or adult assistance.

Developmentally appropriate materials and equipment shall be available and stored in an orderly, easily visible manner.

Equipment and materials shall offer a range of complexity to meet the specific needs and interests of school-age children. This shall be reflected both in the nature of the equipment and materials provided and in the length of time in which children are encouraged to complete projects.

Staff shall be aware of the whereabouts of each child at all times and shall regularly monitor all children. When school-age children are in safe and familiar environments, they may be permitted in pairs to be out of sight of adults for not more than twenty minutes while in transition, using the bathroom or in a regularly monitored activity area.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

Section 407.230 Intergenerational Programs

- a) The requirements of this section shall apply to programs in which children and adults who are enrolled in a structured care setting are co-participants in a program that occurs at least monthly on a regular basis.
- b) When children and older adults are co-participants in an intergenerational program, a written statement shall be developed that includes:
 - 1) The program's purpose and goals;
 - 2) An outline of the activities or means of achieving program goals;
 - 3) The expectations of the program.
- c) There shall be a signed written agreement between the cooperating programs or facilities, defining the responsibilities of each.
- d) Intergenerational activities shall be guided by written plans that address the following:
 - 1) The goals and objectives of each activity;
 - 2) Activity pre-planning, orientation of participant groups, implementation and follow-up;
 - 3) Planning for group size, room arrangement and participant interaction;
 - 4) The specific responsibilities of child care staff during each activity;

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- 5) The supervision of adult participants during each activity;
- 6) Evaluation of each activity.
- e) There shall be written policies addressing health and safety issues, including:
- 1) Health screening for adult participants;
 - 2) Issues of infection control;
 - 3) Selection and supervision of adult participants;
 - 4) Screening out or termination of participants who display inappropriate or potentially harmful behavior.
- f) During intergenerational activities the child care staff familiar to the child shall remain present. The ratio of child care staff to participating children shall remain in accordance with Section 407.190. Child care staff shall not be expected to supervise adult participants.
- g) The day care center shall obtain and keep on file the following information from the adult program:
- 1) The names, titles and contact information for the adult program supervisors;
 - 2) The plan for supervision of adult participants, including the names of staff and their direct responsibilities during program activities;
 - 3) The full name, address, telephone number and responsible party, if applicable, for each adult participant.
- h) Each time the intergenerational visit occurs, an attendance record shall be kept by the day care center which includes:
- 1) The full name of each child participating on that day;
 - 2) The full name of each adult participant for that day;
 - 3) The full name of every staff member present from both the child care and adult programs.
- i) Prior to beginning an intergenerational program, the staff from the day care center shall receive orientation that includes:
- 1) Information about the purpose and goals of the program;
 - 2) Specifics about how the program will operate;
 - 3) Information about the role of the day care center staff during the program and the expected interactions between child care and adult program staff;
 - 4) Information about the aging process, psycho/social needs of older adults and techniques for promoting the development of satisfying relationships between young children and older adults;
 - 5) Specific guidance in preparing children for participation in the intergenerational program.
- j) Signed permission shall be obtained from each child's parent(s), allowing participation in the intergenerational program. This permission shall be maintained in the child's record.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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Section 407.240 Evening, Night, Weekend, and Holiday Care

- a) A center receiving children for evening, night, weekend and holiday care shall comply with standards for all day care centers except when inconsistent with the special requirements prescribed by this Section.
- b) A child shall be considered to be enrolled in evening and/or night care when a majority of his or her time at the center occurs between 6:00 p.m. and 6:00 a.m.
- c) Family-like groups of mixed ages are allowed during evening, night, weekend and holiday care. The age of the youngest child present shall be used to determine the staff/child ratio.
- d) Staff counted for purposes of meeting child/staff ratio requirements shall be awake at all times and shall be in the sleeping area whenever children are sleeping. Nap time staff/child ratios may be applied to the children who are on their cots.
- e) Each child shall have an individual cot, bed, or crib equipped with comfortable bedding appropriate to the indoor room temperature and maintained in sanitary and safe condition. Cots, cribs or beds used by other children during the day may be used for other children at night if separate sets of clean sheets and other bedding are provided to each user, and the cot or crib is washed and then sanitized with a germicidal solution between users.
- f) Each child shall have an individual washcloth, towel, toothbrush, comb or brush, and sleep-wear furnished either by the center or the child's parent(s).
- g) The night care program shall facilitate a relaxed atmosphere characterized by informal quiet activities.
- 1) Scheduling shall reflect the need for regularity in meeting basic needs such as relaxation, meals, self-care, and sleep.
 - 2) Evening activities shall be primarily self-selected by individuals. Selections shall be chosen from activities such as, but not limited to, outdoor play, reading, lounging, study, table games, group games, conversation, listening to music, dramatic play, and art.
 - 3) Self-care routines shall include:
 - A) Brushing teeth at bedtime or upon rising;
 - B) Grooming hair upon rising; and
 - C) Toileting scheduled at bedtime and upon rising.
 - 4) Sleeping arrangements shall be such that the children who stay all night are not disturbed by the departure of those who stay only a portion of the night.
- h) An evening meal shall be served at a regular time each evening to all children then in attendance, and shall be available to other children who may arrive without having first eaten.
- i) A bedtime snack shall be served to each child.
- j) Breakfast shall be provided for all children who have been at the facility throughout the night and are present between 6:30 a.m. and 8:30 a.m.

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(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART F: STRUCTURE AND SAFETY

Section 407.250 Enrollment and Discharge Procedures

- a) The day care center shall enroll only those children eligible under the center's written enrollment policies. The center shall not use eligibility criteria which screen out children with disabilities, and shall make reasonable modifications in policies, practices and procedures to accommodate children with disabilities.
- b) Prior to enrollment, the parent(s) or guardian shall be provided information about the program and given an opportunity to observe during the hours of operation.
- c) The day care center shall provide publicly available written statements which include the following and which are given to parents at the time their child is enrolled in the facility:
 - 1) Name(s), business address and telephone number of those persons legally responsible for the program and of those persons having immediate responsibility for the daily conduct of the program;
 - 2) Statement of services, purposes and goals;
 - 3) Description of the daily program;
 - 4) Fees and plan for payment;
 - 5) Policies regarding delinquent fees;
 - 6) Types of insurance coverage for children;
 - 7) Admission, enrollment, and discharge policies and procedures:
 - A) Hours of operation.
 - B) Information regarding part-time enrollment, if applicable.
 - C) Holiday and vacation schedules.
 - 8) Arrangements for arrival and departure of children (time, location, transportation);
 - 9) Provision for emergency medical care, treatment of illness and accident, which includes:
 - A) A plan to obtain prompt services of physician and hospitalization, if needed.
 - B) A plan for immediately notifying the parent or guardian of any illness, accident or injury to the child.
 - C) A plan from the parent to access the services of a certified practitioner for a child exempt from medical care on religious grounds.
 - 10) Formal religious observance or instruction, if any;
 - 11) Visits, trips, or excursions off the premises and the transportation used for these visits, trips, or excursions;
 - 12) Procedures concerning personal belongings brought to the center;
 - 13) Policy regarding release of personal information on the child or family; and
 - 14) Planned means of communication between the center and the

parent(s).

- d) The facility shall distribute a summary of the licensing standards, provided by the Department, to the parent(s) or guardian of each at the time that the child is accepted for care in the facility. In addition, consumer information materials provided by the Department including, but not limited to, information on reporting and prevention of child abuse and neglect and preventing and reporting communicable disease, shall be distributed to the parent(s) or guardian or each child cared for when designated for such distribution by the Department.
- e) The day care center may ask parents to provide professional evaluations during the enrollment process when necessary to determine how best to meet the needs of the child.
- f) Parents shall be informed of and agree to any variations in regular procedures undertaken to meet the specific needs of their child.
- g) The day care center shall give parents adequate information about the program so parents can make an informed decision regarding the enrollment of their child. At the time of enrollment, the parent(s) shall receive a copy of all written policy statements required by Section 407.250(c).
- h) Staff shall be informed of the child's enrollment before a child's first day of attendance and given the information necessary to make the child's initial adjustment as comfortable as possible.
- i) The day care center shall maintain a record on all children enrolled in the center to help staff plan effectively to meet each child's individual needs.
 - 1) A written enrollment application shall be on file for each child with the signatures of the enrolling parent(s). The application shall contain the following information:
 - A) Child's full name, date of birth and gender.
 - B) Date of enrollment and discharge.
 - C) Scheduled days and hours of care.
 - D) Name, home address and telephone number of parent(s).
 - E) Work hours of parent(s) and name, address and telephone number of place of employment.
 - F) Name, address and telephone number of the child's physician or certified Christian Science practitioner, if applicable.
 - G) Name, address and telephone number of all persons authorized to pick up the child which includes both:
 - i) A primary list of persons authorized to pick up the child regularly; and
 - ii) A contingency list of persons authorized to pick up the child occasionally, including conditions for releasing the child to such persons.
 - H) Name, address and telephone number (day and evening) of person(s) to be contacted in an emergency if the parent(s) cannot be reached.
 - J) Information regarding the child's individual development.

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habits, medical needs and other factors critical to the child's well-being and ability to participate in the program.

- 2) Written agreements and consents for the following shall be on file for each child:
 - A) Visits, trips or excursions off the premises, including transportation arrangements, when appropriate.
 - B) Health care and treatment, including emergency first-aid.
 - C) Child's involvement in research, if applicable.
 - D) Formal religious instruction or observances, if applicable.
 - E) Use of photographs, film or video of children.
 - F) School attendance away from the center, if applicable, including the time the child shall be released and the means of transportation the child shall use.
 - G) Participation in athletic activities such as swimming or gymnastics, if applicable.
 - H) Use of facility transportation, if applicable.
- 3) Reports of health examinations, unless waived in accordance with Section 407.310(a)(7).
- 4) Any professional evaluations required for admission of children.
- 1) Any child who, after attempts have been made to meet the child's individual needs, demonstrates inability to benefit from the type of care offered by the facility, or whose presence is detrimental to the group, shall be discharged from the facility.
- k) In all instances, when a facility decides that it is in the best interest of the child to terminate enrollment, the child's and parents' needs shall be considered by planning with the parent(s) to meet the child's needs when he or she leaves the facility, including referrals to other agencies or facilities.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.260 Daily Arrival and Departure of Children

- a) The daily arrival of children at the center shall be conducted in a way that protects each child's physical and emotional well-being. Information provided by the parents about a child's immediate daily needs shall be communicated in a timely manner to staff caring for the child.
- b) Child care staff shall conduct a daily pre-admission screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the child's inclusion or exclusion for the day shall be determined in accordance with subsections 407.310(b) and (c).
- c) Children served in a day care center shall not remain on the premises for more than 12 hours in any 24-hour period, unless the parent's employment or training schedule requires more than 12 hours of day care. These situations shall be logged for licensing review.

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- d) A daily attendance log shall be maintained in such a way that it is always possible to determine the number of children present at any given time.
- e) The daily departure of children from the center shall be conducted in a way that protects each child's physical and emotional well-being.
 - 1) The staff shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized by the parent(s) to receive the child. Persons not known to the staff shall be required to provide a driver's license (with photo), a photo identification card issued by the Illinois Secretary of State or other photo identification to establish their identity before the child is released to them.
 - 2) When a child is released to a person authorized on the contingency list, the center shall maintain a record of the person's name and the date, time and the method of transportation.
 - 3) The time of each child's departure from the center shall be noted on a daily departure log and initialed, signed or otherwise documented by the person to whom the child is released.
 - 4) When the center has a written policy or an individual plan for a specific school-age child, that child may be allowed to leave the center unaccompanied with written authorization from their parent(s). The authorization must include:
 - A) the time of release from the center;
 - B) the means of transportation the child will use and, if applicable, the time the child is to return to the center; and
 - C) the procedure to be followed if the child does not return at the expected time. The school-age child may enter times and initial the attendance log on his or her own behalf. A staff member also shall initial the log.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.270 Guidance and Discipline

- a) The day care center shall develop a guidance and discipline policy for staff use that is also provided to parents. Staff shall sign the guidance and discipline policy at the time of employment and parents shall sign the policy when their child is enrolled. The policy shall include:
 - 1) A statement of the center's philosophy regarding guidance and discipline;
 - 2) Information on how discipline will be implemented by staff;
 - 3) Information on how parents will be involved in the guidance and discipline process;
 - 4) Information on how children will be involved in the guidance and

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discipline process; and

5) Written procedures for termination of a child's enrollment in the day care center because of disciplinary issues.

b) Written rules for all children shall be established and available to children, parents and staff. These rules shall set the limits of behavior required for the protection of the group and individuals. The rules shall:

- 1) Pertain to important situations;
- 2) Be understandable to children;
- 3) Be stated in the positive form whenever possible; and
- 4) Be enforceable.

c) Child care staff shall help individual children develop self-control and assume responsibility for their own actions.

1) Limits and consequences shall be clear and understandable to the child, consistently enforced and explained to the child before and as part of any disciplinary action.

2) Discipline shall be developmentally appropriate and logically related to the child's act and shall not be out of proportion to the particular inappropriate behavior. The child shall be made aware of the relationship between the act and the consequences.

3) Firm positive statements about behaviors or redirection of behaviors shall be the accepted techniques for use with infants and toddlers.

4) Removal from the group to help a child gain control shall not exceed one minute per year of age. Removal from the group shall not be used for children less than 15 months of age.

5) Children shall not be disciplined for toilet accidents.

6) The following behaviors are prohibited in all child care settings:

- A) Corporal punishment, including hitting, spanking, swatting, beating, shaking, pinching and other measures intended to induce physical pain or fear;
- B) Threatened or actual withdrawal of food, rest or use of the bathroom;
- C) Abusive or profane language;
- D) Any form of public or private humiliation, including threats of physical punishment; and
- E) Any form of emotional abuse, including shaming, rejecting, terrorizing, or isolating a child.

d) Preschool and school-age children shall have reasonable opportunity to resolve their own conflicts.

e) Discipline shall be the responsibility of adults who have an ongoing relationship with the child.

f) When there is a specific plan for responding to a child's pattern of unacceptable behavior, all staff who affect the child shall be aware of the plan and cooperate in its implementation.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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Section 407.280 Transportation

a) These requirements shall apply to any day care center that provides or arranges for the provision of transportation for children as follows:

- 1) To or from their homes or other pre-arranged sites and the center;
- 2) In connection with an activity conducted by or through the auspices of the center; and
- 3) From the center to a hospital, clinic or office for medical treatment (except in emergency situations).

b) A center providing transportation services shall comply with the driver licensing, Rules of the Road, financial responsibility, vehicle equipment and vehicle inspection provisions of the Illinois Vehicle Code [625 ILCS 5/1-101].

c) The driver of a vehicle transporting children on behalf of a day care center, whether paid or unpaid, shall comply with the following requirements:

- 1) is 21 years of age or older;
- 2) currently holds a valid driver's license, which has not been revoked or suspended for one or more traffic violations during the three years immediately prior to the date of application;
- 3) demonstrates physical fitness to operate vehicles by submitting the results of a medical examination conducted by a licensed physician;
- 4) has not been convicted of more than two offenses against traffic regulations governing the movement of vehicles within a twelve month period;
- 5) has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past three years;
- 6) has signed and submitted a written statement certifying that he has not, through the unlawful operation of a motor vehicle, caused an accident which resulted in the death of any person within the five years immediately prior to the date of application.

However, any day care center may provide for transportation of a child or children for special outings, functions or purposes that are not scheduled on a regular basis without verification that drivers for such purposes meet the requirements of this Section. [225 ILCS 10/5.1]

d) A child care facility driver application and a copy of the current medical form shall be submitted to the Department for any individual who transports children regularly on behalf of a day care center.

e) Any individual who holds a valid unrestricted Illinois school bus driver permit issued by the Regional Superintendent of Schools pursuant to The Illinois Vehicle Code, and who is currently employed by a school district or parochial school, or by a contractor with a

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school district or parochial school, to drive a school bus transporting children to and from school, shall be deemed in compliance with the requirements of subsection (c) and (d) above.

f) The driver and attendants shall meet the requirements of Section 407.100.

g) The driver shall not leave the vehicle unattended at any time while transporting children.

h) The driver shall see that each child boards and exits the vehicle from the curb side of the street and/or is safely conducted across the street. The route shall be planned so that, whenever possible, the child exits on the same side of the street as the child's destination.

i) The driver shall see that a responsible person as designated by the child's parent(s) or guardian is present to take charge of a child when delivered to his or her destination.

j) The driver shall see that order is maintained in the vehicle for safety of the children in transit.

k) The number of children transported in a vehicle shall not exceed the manufacturer's rated passenger capacity.

l) The staff/child ratios as listed in this subsection below shall be maintained.

1) A driver alone may transport two infants or three toddlers and shall be assisted by an adult attendant for each additional one to three infants or one to four toddlers.

2) A driver alone may transport eight children between two and five years of age and shall be assisted by an adult attendant for each additional one to eight children between two and five years of age.

3) A driver alone may transport ten children between three and five years of age and shall be assisted by an adult attendant for each additional one to ten children between three and five years of age.

4) When children under two years of age are transported with children two years of age or older, the staff/child ratio shall be in accordance with Section 407.190.

5) When school-age children are transported for program activities, the staff/child ratio shall be in accordance with Section 407.190.

m) Age-appropriate safety restraints which are federally approved and labeled as such shall be used at all times when transporting children in vehicles having a gross weight of less than 10,000 pounds, except that individual safety restraints shall not be required when children ride as passengers in taxicabs or common carriers or public utilities operating under the jurisdiction of the Illinois Commerce Commission. No more than one child may be in each seat belt.

n) A vehicle used by the center to transport children shall be maintained in mechanically safe condition at all times. The driver must inspect the vehicle before use each day, both internally and externally, including all safety equipment and possible hazards, and ensure that

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the headlights, turn signals, stop arms, and windshield wipers are in sound operating condition, that the tires are inflated to correct pressure and the vehicle has more than an adequate supply of fuel for transportation that day.

o) The driver shall inspect the vehicle after each use to assure that no child is left in the vehicle.

p) Any vehicle used for the transportation of children on behalf of the day care center shall be equipped with a first-aid kit when used for transporting children. The first-aid kit shall consist of the items required by Section 407.380.

q) A written emergency plan to be followed in case of accidents, serious illness, severe weather alerts, and other pertinent information. The emergency plan shall remain in the possession of the driver while en route.

r) Doors shall be locked at all times when the vehicle is moving. The doors shall be opened and closed only by the driver or by another designated adult.

s) The driver shall not allow children to stand in a moving vehicle, sit on the floor of a vehicle in use or extend any part of their body through the vehicle windows.

t) The facility shall maintain a written plan for scheduled transportation of children, which shall include:

1) The schedule of the transportation route. When after-school transportation is provided, the schedule shall insure that children are not left waiting for a long period for the vehicle to arrive;

2) The name and address of the person(s) authorized to receive a child delivered to a place other than the child's residence;

3) Procedures to be followed when the parent or authorized adult is not present to receive the child; and

4) Written safety precautions to be followed, along with a written emergency plan.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.290 Swimming and Wading

a) Swimming and wading pools shall be appropriately maintained and supervised.

b) All swimming pools and wading pools, whether at the day care center or elsewhere, shall comply with the Illinois Department of Public Health rules 77 Ill. Adm. Code 820, Illinois Swimming Pool and Bathing Beach Code.

c) All in-ground or above-ground pools located in areas accessible to the children shall be fenced. The fence shall be at least five feet in height and secured with a locked gate. Day care centers which are licensed currently have one year from the effective date of this

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Section to comply with this requirement.

- d) When children are swimming, supervision shall include at all times at least one person currently certified as a lifeguard or water safety instructor by the American Red Cross or an equivalent water safety program. If swimming is being done at a pool open to other persons, the lifeguard or water safety instructor must be assigned specifically to supervise children from the day care center.
- e) All adults counted in the staff/child ratio for swimming shall receive basic water safety instruction from a person certified as a lifeguard or water safety instructor per subsection of this Section.
- f) The following staff/child ratio shall be maintained when children are swimming, whether at the center or at other public or private swimming pools, lakes or recreational swimming facilities. A minimum of two adults must be present at all times. Staff counted in the staff/child ratio shall accompany the children into the water.

AGE OF CHILDREN	NUMBER OF CHILDREN PER EACH STAFF
Infants/toddlers (under 2 years)	1
Two-year-olds	2
Three-year-olds	5
Four-year-olds	8
Five-year-olds	8
School-age children from six to eight years of age	10
School-age children nine years of age and older	15

- g) In addition to the above ratios, whenever the children are in or near the water, there shall be one person assigned to serve as lifeguard whose sole duty is to guard children in the water. This person shall not teach classes nor serve as a bathroom escort or locker room attendant during this period.
- h) In addition to the lifeguard and in-water staff, one adult shall be present to serve as bathroom monitor and provide other general out-of-water supervision.
- i) Whenever swimming is included in the program of the child care center, the program shall be offered on an optional basis with alternative activities available for children who do not participate in swimming.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.300 Animals

- a) Healthy household pets that present no danger to children are permitted on the premises unless prohibited by local health regulations.

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- b) A licensed veterinarian shall certify that dogs and cats have been inoculated against rabies. This certification shall be obtained when the animal is acquired (if four months of age or older) as required by 8 Ill. Adm. Code 30, Animal Control Act. Gerbils, hamsters, and guinea pigs which appear healthy may be kept in the day care center if allowed by local health regulations.
- c) All animals shall be physically separated from children both indoors and outdoors except as a portion of a specifically planned program activity under the direct supervision of a staff member.
- d) Immediate treatment shall be obtained for any child who sustains a bite or scratch from an animal, and the child's parent shall be notified. In addition, the center shall notify the county animal control administrator or designated agent and follow the provisions of the Illinois Animal Control Act [520 ILCS 5].
- e) Animals and/or pets shall be properly caged, fed and maintained in a safe, clean and sanitary condition at all times.
- 1) Domestic animals, birds or fowl shall not be permitted at any time in areas where foods are prepared or maintained.
- 2) A responsible staff person shall be assigned to the care of any animal or pet on the premises.
- 3) The child care center shall be free of stray animals which may cause injury and/or disease to children.
- f) The presence of monkeys, ferrets, turtles, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in the day care center.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART G: HEALTH AND HYGIENE

Section 407.310 Health Requirements for Children

- a) A medical report on forms prescribed by the Department shall be on file for each child.

- 1) The initial medical report shall be dated less than six months prior to enrollment of infants, toddlers and preschool children. For school-age children, a copy of the most recent regularly scheduled school physical may be submitted (even if more than six months old) or the day care center may require a more recent medical report by its own enrollment policy. If a health problem is suspected, the day care center may require additional documentation of the child's health status.
- 2) If a child transfers from one day care center to another, the medical report may be used at the new center if it is less than one year old. In such a case, the center the child is leaving shall maintain a copy of the child's medical form and return the original to the parent.

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- 3) The medical examination shall be valid for three years, except that subsequent examinations for school-age children shall be in accordance with the requirements of the Illinois School Code (105 ILCS 5/27-8.1) and the Child Health Examination Code (77 Ill. Adm. Code 665), provided that copies of the examination are on file at the day care center.
- 4) The medical report shall indicate that the child has received the immunizations required by the Illinois Department of Public Health in its rules (77 Ill. Adm. Code 695, Immunization Code). These include poliomyelitis, measles, rubella, mumps, diphtheria, pertussis, tetanus haemophilus influenzae B, and hepatitis B.
- 5) A tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when children begin elementary and secondary school.
- 6) The initial examination shall show that children from the ages of six months to six years have been screened for lead poisoning (for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)) or that a lead risk assessment has been completed (for children residing in an area defined as low risk by the Illinois Department of Public Health). Lead screening shall be repeated annually for those children found to be at high risk.
- 7) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent(s), and kept in the child's record.
- 8) Exceptions made for children who should not be subject to immunizations or tuberculin tests for medical reasons shall be indicated by the physician on the child's medical form.
- 9) Day care centers shall maintain an accurate list of all children enrolled in the center who are not immunized, as required by Illinois Department of Public Health rules (77 Ill. Adm. Code 695.40, List of Non-Immunized Child Care Facility Attendees or Students). The number of non-immunized children on the list shall be available to parents who request it.
- 10) Medical records shall be dated and signed by the examining physician and include the name, address and telephone number of the physician responsible for the child's health care.
- 11) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690) shall be excluded from the center.

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- c) Children shall be screened upon arrival daily for any obvious signs of illness. If symptoms of illness are present, the child care staff shall determine whether they are able to care for the child safely, based on the apparent degree of illness, other children present and facilities available to care for the ill child.
- 1) Children with diarrhea and those with a rash combined with fever (oral temperature of 100° F or higher) shall not be admitted to the day care center while those symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
- 2) Children need not be excluded for a minor illness unless any of the following exists, in which case exclusion from the day care center is required:
- A) Illness which prevents the child from participating comfortably in program activities;
- B) Illness which calls for greater care than the staff can provide without compromising the health and safety of other children;
- C) Rash combined with fever over 100° F (oral);
- D) Unusual lethargy, irritability, persistent crying, difficulty breathing or other signs of possible severe illness;
- E) Diarrhea;
- F) Vomiting two or more times in the previous 24 hours, unless the vomiting is determined to be due to a noncommunicable condition and the child is not in danger of dehydration;
- G) Mouth sores associated with the child's inability to control his or her saliva, until the child's physician or the local health department states that the child is noninfectious;
- H) Rash with fever or behavior change, unless a physician has determined the illness to be noncommunicable;
- I) Conjunctivitis, until examined by a physician and approved for readmission because they are no longer contagious, whether with or without treatment;
- J) Imetigo, until 24 hours after treatment has been initiated;
- K) Strep throat (streptococcal pharyngitis), until 24 hours after treatment has been initiated and until the child has been without fever for 24 hours;
- L) Head lice, until the morning after the first treatment;
- M) Scabies, until after a treatment has been completed;
- N) Chicken pox (varicella), until at least six days after onset of rash;
- O) Whooping cough (pertussis), until five days of antibiotic treatment have been completed;
- P) Mumps, until nine days after onset of parotid gland swelling;
- Q) Measles, until four days after disappearance of the rash; or

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R) Symptoms which may be indicative of one of the serious, communicable diseases identified in the Illinois Department of Public Health Control of Communicable Diseases Code (77 Ill. Adm. Code 690).

e) Space shall be provided for a child who becomes ill at the center. Such space shall be ventilated and heated, within sight and hearing of an adult and equipped with a cot and materials that can be easily cleaned and sanitized.

f) The center shall report any known or suspected case or carrier of communicable disease to local health authorities and comply with the Illinois Department of Public Health's Control of Communicable Diseases Code (77 Ill. Adm. Code 690). The center shall maintain a file of reported illnesses which may indicate possible infectious disease.

g) If a child needs emergency care because of an accident or illness that occurs while the child is in care, the day care center shall attempt to contact the child's parent(s) at the phone numbers provided for that purpose. The day care center's attempts to locate the parents shall be documented in the child's file.

h) Major and minor accidents or illnesses which happen to a child at the day care center shall be recorded in the file, and parents shall be notified. When a child is not permitted to attend because of an accident or illness, the date of readmission to the center shall be recorded.

i) Reports of all incidents and injuries involving children shall be prepared by the person responsible for the child at the time of the occurrence and shall include:

- 1) The time and place of the incident or injury and details about how it occurred;
- 2) When medical care is necessary, a statement signed by the physician attending the child, describing the nature and the extent of injury.

j) Employees who have cuts, abrasions, rash or other non-intact skin shall wear disposable latex gloves when treating a wound. Employees shall wash their hands, as prescribed by Section 407.320, after removing the disposable gloves.

k) When a child's medical needs require special care or accommodation, such care shall be administered as required by a physician, subject to receipt of appropriate releases from the parent(s). Medical consultation shall be available to the staff as needed for the health and medical needs of the children served.

l) The facility shall make potable drinking water freely available to all children by providing drinking fountains and/or disposable cups for individual use. Water shall be offered to infants and toddlers at frequent intervals.

m) A child's wet or soiled clothing shall be changed immediately.

n) Universal precautions shall be followed when handling soiled clothing.

Children shall have a shower, tub or sponge bath when necessary to

ensure bodily cleanliness. Parents shall be notified when a child has received a shower or bath. Children under the age of five shall not be left alone when bathing.

o) When used by children at the child care center, toilet articles such as combs, brushes, toothbrushes, towels and washcloths shall be individually provided by the parent or the center. They shall be plainly marked with the child's name and stored individually in a sanitary manner in areas which promote drying. Single-use and disposable articles are permitted. Toothbrushes, if used, shall be replaced when they have lost their tone.

p) If toothpaste is used, care shall be taken to avoid cross-contamination when dispensing.

- 1) Each child shall be given a separate tube of toothpaste labeled with his or her name; or
- 2) If a single tube is used, the toothpaste shall be dispensed by placing a small amount on the rim of each child's rinsing cup or on a piece of waxed paper.

q) All new linens shall be laundered prior to use.

r) Staff and children shall wash hands as required by Section 407.320.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.320 Hand Washing

a) Children's hands shall be washed routinely and frequently using an anti-bacterial soap, at least at the following times:

- 1) Upon arrival at the center;
- 2) Before and after each meal or snack;
- 3) After using the toilet or having diapers changed;
- 4) After handling pets or animals;
- 5) After wiping or blowing his or her nose;
- 6) After touching items soiled with body fluids or wastes (e.g., blood, drool, urine, stool or vomit);
- 7) Before and after cooking or other food experience; and
- 8) After outdoor play time.

b) Adults' hands shall be washed routinely and frequently using an anti-bacterial soap, at least at the following times:

- 1) Upon arrival at the center;
- 2) After using the bathroom or helping a child use the bathroom;
- 3) After changing a diaper;
- 4) After wiping or blowing their nose, or helping a child to wipe or blow his or her nose;
- 5) After handling items soiled with body fluids or wastes (e.g., blood, drool, urine, stool or vomit);
- 6) After handling pets or other animals;
- 7) After handling or caring for a sick child;
- 8) Before and after eating or drinking;

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- 9) Before preparing, handling or serving food; and
- 10) Before dispensing any medication.
- c) The following technique for thorough hand-washing shall be used:
- 1) Wet hands under warm running water.
 - 2) Lather both hands well and scrub vigorously for at least 15 seconds.
 - 3) Rinse hands thoroughly under warm running water.
 - 4) Dry both hands with a new single-use towel.
 - 5) For hand-held faucets, turn off the water using a disposable towel instead of bare hands to avoid recontamination of clean hands.
- d) When children are too young to wash hands by themselves, staff shall wash their hands using the above technique. As children are developmentally ready, staff shall teach children the proper hand-washing technique and assist and supervise the procedure as needed.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.330 Nutrition and Meal Service

- a) Food shall be cooked or prepared at the day care center in a kitchen which has been inspected and approved in accordance with the Illinois Department of Public Health's Food Service Sanitation Code (77 Ill. Adm. Code 750) or food may be purchased from a licensed catering service. Preparation of food, whether on or off site, shall comply with the Food Service Sanitation Code. A copy of these regulations shall be available to appropriate staff.
- b) Food service shall be under the functional supervision of a State-certified food service manager as required by the Food Handling Regulation Enforcement Act [410 ILCS 625].
- c) None of the operations connected with routine food preparation shall be conducted in a room used for sleeping, living or laundry purposes.
- d) Kitchen areas shall be clean and equipped for preservation, storage, preparation and serving of food.
- e) Provisions shall be made for the cleaning and sanitization of dishes.
- f) All food consumed by children under the supervision of the child care center shall be provided by the center, except as follows:
- 1) Parents may provide food for infants not yet consuming table food or for any child requiring a special diet that cannot reasonably be provided by the center.
 - 2) Upon agreement of the staff, commercially prepared foods may be brought in occasionally by parents as part of holiday or birthday celebrations. Food brought in for this purpose must arrive unopened as packaged by the bakery or manufacturer, or it shall not be accepted.
 - 3) If food is to be catered rather than prepared at the center, a

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dated contract with the catering service specifying the number of food orders to be delivered shall be available for review.

- g) Menus shall be planned at least one week in advance and shall be available for review. If substitutions are made for any food item, menus shall be corrected to reflect meals as served. Substitutions shall be nutritionally equal to the food items being replaced. Corrected menus shall be on file and available for review for one year after the meals were served.
- 1) Menus shall be posted in the kitchen and classroom and made available to parents upon request.
 - 2) Menu planning shall reflect consideration for cultural and ethnic patterns, and menus shall be nutritionally equivalent to the requirements of the Meal Pattern Chart in Appendix D and Appendix E, as appropriate.
 - 3) The main meal shall be a hot meal, except occasionally and during the months of June through September, when a cold meal conforming to the Meal Pattern Chart may be served.
 - 4) Lunches served during field trips shall be provided by the center.

- b) Adequate and appropriate food shall be served according to the amount of time the child spends at the center. The center shall provide 1/3 to 2/3 of the child's daily nutrient needs depending on length of stay, as outlined in the chart below. These nutrient needs are based on the current recommended dietary allowances set by the Food and Nutrition Board of the National Research Council and are outlined in Appendix D and Appendix E.

Time Present Per Day

Number of Meals and Snacks Per Day

Two to three hours

One snack

Three to six hours

One snack and one meal or two meals

Six to ten hours

Two meals and one snack or one meal and two snacks

More than ten hours

Two meals and two snacks or one meal and three snacks

NOTE: School-age children attending up to four hours of after-school care may be served only one snack while at the day care center.

- i) Children shall be offered food at intervals of not less than two hours and not more than three hours apart, unless the child is asleep. Breakfast or morning snack shall be served at least 2 1/2 hours before lunch.
- 1) Provisions of this Section notwithstanding, a child requiring a special diet due to medical reasons, allergic reactions or religious beliefs shall be provided with meals and snacks according to the written instructions of the child's parent(s), clergy and/or a licensed physician.
- 1) Information on special diets shall be obtained in writing from

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the parents and/or medical providers and maintained on file at the child care center.

- 2) Special diets shall be provided for children as ordered by the child's medical provider. Records of food intake shall be maintained when indicated by the physician.
- 3) When providing a special diet causes undue hardship or expense for the child care center, meals or portions of meals shall be provided by the parent upon written agreement of the parent and the center. The parent shall be responsible for the safety of food brought into the center.
- 4) Potentially hazardous and perishable food shall be refrigerated immediately upon arrival.
- 5) Special foods provided by parents shall be clearly labeled with the child's name, date and identity of the food and shall not be shared by other children.

k) Meals and snacks for children one year of age and older shall comply with the requirements of Appendix E.

- 1) Meal components are as follows:

A) Milk: Grade A, pasteurized, fortified, fluid milk. Because low-fat and skim milks may not provide adequate levels of calories and fatty acids, these milks shall not be given to children under two years of age unless ordered by the child's physician.

B) Meat or meat alternative: Edible protein such as meat, fish or chicken or other protein sources such as eggs, cheese, dried beans or peas. Peanut butter may not be used as the only source of protein for lunch or supper. A casserole or mixed dish must contain the required amount of protein per serving.

C) Fruits and vegetables: Cooked or raw. Each child shall have a total of two servings of fruits and/or vegetables for lunch.

i) Vegetables rich in vitamin A shall be served three times per week. Examples include spinach, greens, kale, sweet potatoes, pumpkin, broccoli, winter squash, apricots, cantaloupe, carrots and purple plums.

ii) A good source of vitamin C shall be served daily. These include citrus fruits, melons and other fruits and juices that contain at least 30 mg of vitamin C per serving.

D) Bread or bread alternative: An equivalent serving of cornbread, biscuits, rolls, muffins, bagels or tortillas made of enriched or whole grain meal or flour may be substituted for sliced bread. Bread alternatives include enriched rice, macaroni, noodles, pasta, stuffing, crackers, bread sticks, dumplings, pancakes, waffles and hot or cold cereal.

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E) Butter or margarine: As a spread for bread, if desired. If any part of the nutritional requirements is designated as dessert, it shall be served as an integral part of the meal. Ice cream or milk-based pudding may be used occasionally. Cake, pastries, cookies or other foods with high sugar and/or fat content shall not be used as lunch desserts.

2) Vegetarian meals that meet protein requirements may be served. The main dish shall contain one or more of the following: dairy products, eggs, legumes, grains or peanut butter.

3) Whole grapes and berries, nuts, popcorn, candy and raisins shall not be fed to children under three years of age. Hot dogs and raw carrots may be served to children under three years of age only if cut into short, thin strips.

4) Children shall be permitted to have one or more additional servings to meet their individual needs.

1) Food shall be prepared and handled safely.

i) Hot foods shall be maintained at a temperature of 140° F or above and cold foods at 41° F or below, except that food may be held at a temperature of 45° F for a maximum of three days. See Section 750.140 of the Food Service Sanitation Code (77 Ill. Adm. Code 750).

2) Portions of foods that have been served to the classroom but not eaten shall be discarded. Unserved food shall be promptly covered to avoid contamination, labeled, dated and refrigerated or frozen immediately. Frozen food shall be used within 30 days.

3) Milk, formula and baby food shall be handled and served to infants who are not yet eating table food according to the provisions of Section 407.210.

m) Adequate numbers of appropriate durable dishes, glassware and eating utensils of satisfactory type shall be provided to serve all of the children at the same time. These items shall be in good repair and free of breaks, cracks or chips.

n) The design and size of tables, chairs, dishes, glasses and eating utensils shall be appropriate to the age(s) of the children served.

o) All cooking and feeding utensils shall be washed and sanitized after each use.

p) Meals shall be relaxed and unhurried and provide time for socialization.

1) An adult shall sit at the table with the children during meal time, provide supervision and demonstrate good mealtime practices.

2) Delays in food service shall be avoided so that children do not have to sit and wait.

3) Children shall be encouraged to eat, but not forced or bribed.

4) Small portions of bite-sized pieces shall be provided for preschool children.

5) Children shall be encouraged to serve themselves. Staff shall provide supportive help for as long as the child needs such help.

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- 6) Food shall be served onto plates or other sanitary containers.
 7) Children shall be seated comfortably, with sufficient room to manage food and eating utensils.
 8) School-age children may be served alone or with younger children, if this can be accomplished without disruption to the ongoing program.
 g) Food shall never be used as a punishment or reward.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.340 Diapering and Toileting Procedures

- a) Each area serving children wearing diapers shall have a designated diapering area which includes at least the following:
 1) An accessible hand-washing sink within the same room without barriers such as doors.
 2) A changing surface that has an impervious, non-absorbent surface.
 3) Covered receptacles conveniently located close to the changing surface(s) for the disposal of soiled diapers. These receptacles shall be washable, foot-operated, plastic lined and tightly covered. There shall be separate containers for disposable diapers, cloth diapers (if used) and soiled clothes and linens.
 4) A supply of disposable latex gloves.
 5) Clearly posted procedures for diaper changing, consistent with the following:
 A) Cover the changing surface with nonporous paper.
 B) Have the following supplies ready before bringing the child to the diapering area:
 i) Disposable wipes or fresh, wet paper towels;
 ii) Diapers;
 iii) Skin preparations prescribed by the child's doctor or requested by the child's parent; and
 iv) Sanitizing solution as required in subsection 1 of this Section and paper towels for cleaning up.
 C) Lay the child on the changing surface, taking care to minimize contact with the child if his/her outer clothes are soiled.
 D) If the child has a loose or runny stool or there may be blood in the urine or stool, put on protective gloves.
 E) Remove diaper and any soiled clothes. Clean off any stool with the inside of the soiled surface or with disposable wipes.
 F) Clean the child's bottom from front to back with a fresh disposable wipe or a damp paper towel.
 G) Dispose of disposable diapers, paper towels and diaper wipes in covered receptacle. Put soiled clothes and cloth diapers into a plastic bag to be sent home with the parent.

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- H) Place clean diaper on the child. Make sure child's clothing is clean and dry. If not, change child's clothing.
 I) Remove child from the changing table and wash child's hands in accordance with the requirements of Section 407.320.
 J) Dispose of both the cleansing towel and the paper that is beneath the child.
 K) Clean visible soil from the changing table with paper towels or disposable wipes.
 L) Clean and disinfect the diapering area using a bleach solution mixed fresh daily as follows: one tablespoon of liquid chlorine bleach to one quart of water, or 1/4 cup of bleach to one gallon of water or an approved sanitizer.
 M) Remove and dispose of latex gloves (if used).
 N) Wash adult hands, using procedures outlined in Section 407.320.
 b) The diapering area shall be separate from any food preparation areas, and shall never be used for the temporary placement or serving of food.
 c) Changing surfaces shall be cleaned and sanitized between each diaper change.
 d) Diapers shall be able to contain urine and stool and minimize fecal contamination of the child, caregivers, environmental surfaces and objects of the child care center.
 e) If cloth diapers are used, soiled cloth diapers and/or soiled training pants shall never be rinsed.
 f) Toilet-training equipment shall be provided for children being toilet-trained.
 1) Child-sized toilets or safe and cleanable step aids and modified toilet seats shall be available.
 2) If used, the contents of potty chairs shall be dumped in the toilet, and the potty chair shall be cleaned and sanitized between each use.
 3) There shall be one child-sized toilet or appropriate toilet-training equipment available for every three children being toilet-trained.
 4) Toilet-training equipment shall not be counted as toilets in the toilet/child ratio.
 g) Lavatories (hand-washing sinks) and toilet facilities shall be provided in the ratios specified below. Although potty chairs are allowed when children are being toilet-trained, potty chairs are not counted when determining compliance with these ratios.

Capacity of Child Care Center		Number of Toilets		Number of Lavatories	
1 to 10		1		1	
11 to 25		2		2	
26 to 50		3		3	

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51 to 75 4
 76 to 100 5
 101 to 125 6
 126 to 150 7
 151 to 175 8
 Per every 50 more children 1 more

- h) Toilets and lavatories shall be readily accessible to the children. If toilets are not located near the children's activity areas, an adult shall accompany children four years of age or younger.
- i) If toilets and lavatories are not child-sized, non-absorbent safe steps shall be provided.
- j) Hot and cold running water shall be provided.
- 1) Hot water supplied to plumbing fixtures used by children shall be tempered or thermostatically controlled to less than 110° F.
- 2) In areas serving infants and toddlers, water shall be mixed through one mixing valve.
- k) Mild liquid anti-bacterial soap and single-use towels or automatic dryers shall be provided. Towels may be disposable.
- l) Toilet and hand-washing areas for school-age children shall be enclosed to provide for privacy.
- m) Toilet(s) and lavatories shall be readily accessible for staff use.
- n) Children and staff shall wash hands thoroughly according to Section 407.320 after using the toilet or assisting in toileting, and after each diaper change.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.350 Napping and Sleeping

- a) When a child's time in attendance at the day care center requires sleep or nap provisions, the center shall provide a separate crib, bed or cot and individual sheets and bedding.
- 1) Children under six years of age who are not enrolled in kindergarten or elementary school who remain five or more hours shall have the opportunity to rest or nap.
- 2) Infants and toddlers shall be allowed to rest or sleep according to each child's individual pattern, as determined in consultation with parents.
- 3) Children three years of age and older (until they are enrolled in kindergarten) generally shall not nap for more than two hours or rest without sleeping for more than 40 minutes. Children in this age group who do not sleep may be permitted to get up and shall be helped to have a quiet time with equipment or activities which will not disturb the napping children.
- 4) Kindergarten and school-age children shall not be required to sleep or nap. However, floor pillows, sofa, carpet, bean bag

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- chairs, padded chairs or cots shall be provided for lounging or resting.
- b) The crib, bed or cot provided for each child shall be appropriate to the child's level of development.
- 1) Infants shall sleep in cribs:
- A) Safe, sturdy, well-constructed free-standing cribs or portable cribs used for sleeping shall be equipped with a good, firm, tight-fitting mattress.
- B) Mattresses shall be at least two inches thick and made of washable materials.
- C) There shall be no more than 1/2 inch of space between the mattress and the bed frame when the mattress is pushed flush to one corner of the crib.
- D) When using cribs with slats, cribs slats shall be spaced no more than 2 3/8 inches apart.
- 2) Toddlers may use either stacking cots or full-size cribs.
- 3) A cot or bed shall be provided for each toddler and preschool child in attendance for five or more consecutive hours. A crib shall be provided for each licensed infant slot, regardless of the amount of time the child is present.
- c) Each cot, bed or crib shall be labeled with the name of the child.
- d) Cribs, beds and cots shall be maintained in clean and sanitary conditions.
- 1) Cribs, beds and cots shall be wiped clean as often as necessary. Cribs shall be cleaned twice per week and then sanitized with a germicidal solution. Cots shall be cleaned once per week with a germicidal solution.
- 2) All cribs, beds or cots shall be thoroughly cleaned and then sanitized with a germicidal solution when a child is no longer enrolled, prior to use by another child.
- 3) At no time shall two children be allowed to share the same crib, bed or cot unless it is thoroughly cleaned and then sanitized with a germicidal solution before each child's use.
- e) Freshly laundered sheets and blankets shall be provided and changed at least twice per week for infants and toddlers and at least once per week for preschool children, or more frequently if wet or soiled.
- f) Bed linens shall be tightly fitting and washable.
- g) Waterproof mattress covers or under sheets for cribs, beds or cots shall be provided for all children who are enuretic.
- h) Conveniently located, washable, plastic-lined, covered receptacles shall be provided for soiled bed linens.
- i) To avoid sudden infant death syndrome, children who cannot turn over alone shall be placed on their sides or backs when put down to sleep unless contraindicated by a physician. Placing children on their abdomens for any reason shall be avoided, unless specifically instructed by the child's physician to do so.
- 1) Staffing during nap times shall be in accordance with Section 407.190(e).

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- k) When children are sleeping or napping, the room shall have reduced light but shall not be dark.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.360 Medications

- a) The day care center shall maintain a written policy regarding medications.
- b) Both prescription and non-prescription medication shall be accepted only in its original container.

1) Prescription medications shall be labeled with the full pharmacy label.

2) Over-the-counter (non-prescription) medication shall be clearly labeled with the child's first and last name. The container shall be in such condition that the name of the medication and the directions for use are clearly readable.

- c) Medication shall be administered in a manner that protects the safety of the child.

1) A specific staff person shall be designated to administer and properly document the dispensation of the medication.

2) Prescription medication shall be administered as required by a physician subject to the receipt of appropriate releases from parents, which shall be on file and regularly updated. Prescription medication shall be used only for the child named on the label.

3) Over-the-counter fever-reducing medications may be given when provided by the parent according to manufacturer instructions. All other over-the-counter medications may be given only when ordered by a physician.

A) The child care center shall maintain documentation of the physician's order, as well as written parental permission. A call from the physician's office which is noted in the record is sufficient documentation of a physician's order for non-prescription medication.

B) The medication shall be administered in accordance with package instructions, unless otherwise ordered by the physician.

4) The day care center shall maintain a record of the dates, times administered, dosages, prescription number, if applicable, and the name of the person administering the medication.

- d) Medications shall be safely stored.

1) Medication containers shall have child-protection caps whenever possible.

2) All medication, whether refrigerated or unrefrigerated, shall be kept in locked cabinets or containers that are designated and used only for this purpose.

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- 3) Medications shall be kept in a well-lighted area.
- 4) Medications shall be kept out of the reach of children.
- 5) Medication shall not be kept in rooms where food is prepared or stored, unless refrigerated in a separate locked container.

e) Medication shall not be used beyond the date of expiration.

f) When a child no longer needs to receive medication, the unused portion or empty bottle shall be returned to the parent.

g) Any topical products, such as diaper ointment, sunscreen or insect repellent, whether supplied by the parent or by the child care center, shall be approved by the parent in writing prior to use on the child.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART H: FACILITY AND EQUIPMENT

Section 407.370 Physical Plant/Indoor Space

- a) Buildings used for day care center programs must comply with all applicable fire safety standards.

1) The building housing a center shall be approved prior to occupancy and license renewal by the Illinois Department of Public Health and the Office of the State Fire Marshal or local agencies authorized by those State agencies to conduct inspections on their behalf. Otherwise, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.

2) Day care centers that provide day care only for school-age children in a building currently being used as a nursery, primary, or secondary school do not need to obtain the fire clearance in subsection (a)(1) above if the day care center provides written documentation that a fire safety clearance has been received from the responsible party of the Illinois State Board of Education and/or the Regional School Superintendent and that all exit doors for the school remain unlocked. An acceptable fire safety clearance from the Illinois State Board of Education must be in writing and must indicate that the school complies with the applicable fire safety regulations adopted by the Illinois State Board of Education (23 Ill. Adm. Code 1807).

b) The building or portion of the building to which children from the center have access shall be used only for a program of child care during the hours that the center is in operation. The space used for child care may be shared by other groups or persons outside of the hours of operation.

c) Infants and toddlers shall be housed and cared for at ground level unless otherwise approved through the exception process below. Travel distance between any point in a room used for infants and toddlers and an exit discharging directly outside shall not exceed 150 feet. Only

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a fire inspector from the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau may grant an exception to the requirement that infants and toddlers be housed and cared for at ground level.

d) There shall be sufficient indoor space to conduct the program.

1) There shall be a minimum of 35 square feet of activity area per child in centers for children two years of age and older. This space is exclusive of exit passages and fire escapes, which must be clear. This space is also exclusive of administrative space, storage areas, bathrooms, kitchen, space required for equipment that is not used for direct activities with children, and gymnasiums or other areas used exclusively for large muscle activity or active sports.

2) The amount of space required for infants and toddlers shall be determined according to the use of the space for sleep and play purposes.

A) Regardless of whether infants play and sleep in the same room or in two separate rooms, there shall be a minimum of 25 square feet of play space per child plus a minimum of 30 square feet of sleeping space per child, with at least two feet between each crib.

B) When toddlers play and sleep in the same room using cots which can be stacked, there shall be 35 square feet of space per child. When children are in their cots, there must be a minimum of two feet between the cots.

C) When toddlers play and sleep in the same room using cribs, there shall be a minimum of 55 square feet per child. When children are in their cribs, there must be a minimum of two feet between the cribs.

D) When toddlers play and sleep in separate rooms, there shall be minimum of 35 square feet of play space per child and a minimum of 30 square feet of sleeping space per child, with at least two feet between each cot or crib.

3) Storage space shall be provided for cots, bedding, and other equipment.

4) One room, no matter how large, shall accommodate only one group, except that room dividers or program equipment at least 3'6" in height may be used to define and separate the space for each group of children up to age five. Gymnasiums and similar sized areas may accommodate two groups, without dividers, when used for large muscle activity and active sports.

5) All rooms or spaces accommodating more than one group shall be provided with an acoustical ceiling or its equivalent in carpeting or wall covering. If carpeting is used to control noise, it shall not be required in water play, painting, and similar areas.

e) Indoor space shall provide a safe, comfortable environment for the children.

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1) Adjustable window shades, drapes, or venetian blinds shall be provided in all rooms where children rest or nap or in rooms that receive direct sunlight while children are present.

2) The floors and floor coverings shall be washable and free from drafts, splinters, and dampness.

3) Toxic or lead paints or finishes shall not be used on walls, window sills, beds, toys or any other equipment, materials or furnishings which may be used by children or within their reach. Peeling or damaged paint or plaster shall be repaired promptly to protect children from possible hazards.

4) Any thermal hazards (radiators, hot water pipes, steam pipes, heaters) in the space occupied by children shall be out of the reach of children or be separated from the space by partitions, screens, or other means.

5) Sharp scissors, plastic bags, knives, cigarettes, matches, lighters, flammable liquids, drugs, sharp instruments, power tools, cleaning supplies and any other such items which might be harmful to children shall be kept in areas inaccessible to children. Hazardous items for infants and toddlers also include coins, balloons, safety pins, marbles and styrofoam.

6) All cleaning compounds, pesticides, fertilizers and other potentially hazardous or explosive compounds or agents shall be stored in original containers with legible labels in a locked area which is inaccessible to children.

7) A draft-free temperature of 65° F to 75° F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68° F to 82° F shall be maintained during the summer or air-conditioning months. When the temperature in the center exceeds 85° F, measures shall be taken to cool the children. Temperatures shall be measured at least three feet above the floor.

8) If electric fans are used to control temperature, measures shall be taken to assure the safety of the children in the group:

A) Stationary fans shall be mounted on the walls (at least five feet above the floor) or on the ceiling.

B) When portable fans on stands are used, they shall be anchored to prevent tipping.

C) All portable fans shall have blade guard openings of less than 1/2 inch and shall be inaccessible to children.

9) Exits shall be kept unlocked and clear of equipment and debris at all times.

10) Electrical outlets within the reach of children shall be covered or otherwise shockproof.

11) The program shall be modified, as needed, when there are adverse conditions caused by weather, heating or cooling difficulties or other problems. When such conditions exceed a 24-hour period, the Department shall be notified regarding program modifications.

f) Drills for possible emergency situations including fire and tornado

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shall be conducted.

- 1) A floor plan shall be posted in every room indicating the following:

A) The building areas that will provide the most structural stability in case of tornado; and

B) The primary and secondary exit routes in case of fire.

- 2) Drills shall be conducted once a month for fire, and twice a year (seasonally) for tornado.

- 3) Records shall be maintained of the dates and times that fire and tornado drills are conducted.

- g) All areas of the center shall receive sufficient light.

- 1) Areas for reading, painting, puzzles or other close work shall be illuminated to at least 50 to 100 foot candles on the work surface.

- 2) Areas for general play, such as housekeeping and block building, shall be illuminated to at least 30 to 50 foot candles on the surface.

- 3) Stairways, walkways, landings, driveways and entrances shall be illuminated to at least 20 foot candles on the surface.

- h) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of a public water supply, the center shall supply written records of current test results indicating that the water supply is safe for drinking in accordance with the standards specified for non-community water supplies in the Drinking Water Systems Code (77 Ill. Adm. Code 900). New test results must be provided prior to relicensing. If nitrate content exceeds ten parts per million, bottled water must be used for infants.

- i) There shall be no smoking or use of tobacco products in any form in the child care center.

- j) Major cleaning shall not be done while children are present.

- k) Basement or cellar windows used or intended to be used for ventilation, and all other openings to a basement or cellar, shall not permit the entry of rodents.

- l) Openings to the outside shall be protected against the entrance of flies or other flying insects by doors, windows, screens, or other approved means.

- m) Any extensive extermination of pest or rodents shall be conducted by a licensed pest control operator under the direct observation of a member of the child care staff.

- n) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used in areas accessible to children when children are present in the facility. Over-the-counter products may be used only according to package instructions and may be used only when children are not present in the facility. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Environmental Protection Agency. A record of any pesticides used shall be maintained at the facility.

- o) All garbage and refuse shall be collected daily and stored in a manner

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that will not permit the transmission of disease, create a nuisance or a fire hazard or provide harborage for insects, rodents or other pests.

- 1) An adequate number of covered, durable, water-tight, insect and rodent-proof garbage and refuse containers shall be provided for use.

- 2) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies shall be tightly covered and lined with plastic. Contents shall be covered immediately or removed for discarding.

- p) The center shall be cleaned daily and kept in a sanitary condition at all times.

- 1) The center shall provide necessary cleaning and maintenance equipment.

- 2) Toys, table tops, furniture and other similar equipment used by children shall be washed when soiled or contaminated with matter such as food, body secretions or excrement, with a solution of one tablespoon of liquid chlorine bleach to one quart of water, or 1/8 cup of bleach to one gallon of water, or an approved sanitizer may be used.

- 3) Cleaning equipment, cleaning agents, aerosol cans and other hazardous chemical substances shall be labeled and stored in a space designated solely for this purpose. These materials shall be stored in a locked place which is inaccessible to children.

- q) Kitchen sinks used for food preparation shall not be used as hand-washing lavatories nor counted in the total number of hand-washing lavatories required.

- r) There shall be means for communication in emergencies.

- 1) An operable non-coin telephone shall be on the premises, easily accessible for use in an emergency and for other communications.

- 2) A list of emergency telephone numbers, such as the fire department, police department, poison control and emergency medical treatment, along with the full address of the day care center, shall be posted next to each telephone.

- 3) In facilities where communication between groups is difficult due to the design of the day care center, operation in multiple buildings on the same site or on multiple floors, an intercom or a written plan for other effective means of communication between groups shall be provided.

- 4) During hours of operation and at all times that children are present, there shall be a means for parents of enrolled children to have direct telephone contact with a center staff person.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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- a) Equipment and materials for both indoor and outdoor use shall be appropriate to the age and developmental needs of the children served.
- b) Such equipment and materials for infants, toddlers and pre-school children shall be provided in the quantity and variety specified in Appendix A: Equipment for Infants and Toddlers, Appendix B: Equipment for Preschool Children and Appendix C: Equipment for School-Age Children.
- c) The day care center shall have a method to communicate with persons who are hearing impaired such as a telecommunication device for the deaf (TDD) or the Illinois Relay Center. Furniture and equipment shall be adapted, when necessary, for individual children's use.
- d) Play materials shall be durable and free from hazardous characteristics, including sharp or rough edges, toxic paint, and for infants and toddlers, objects that are less than 1 1/4 inches in diameter or that have removable parts of this size.
- e) Durable, safe and appropriately sized furnishings and equipment shall be provided, including:
 - 1) Chairs and benches of appropriate size for each age group served. If chairs or benches are upholstered or padded, the furniture must meet the requirements of the Furniture Fire Safety Act (425 ILCS 45) and 41 Ill. Adm. Code 100, Fire Prevention and Safety and 41 Ill. Adm. Code 300, Furniture Fire Safety Regulations.
 - 2) Tables of height and size to accommodate comfortably a group of ten or fewer children.
 - 3) Low, open shelves for play materials and books within easy reach of the children.
 - 4) Individual lockers, cubicles or separate hooks and shelves for children's personal belongings.
- f) Storage shall be provided for surplus toys and supplies not currently in use.
- g) Equipment, table tops, play materials and classroom surfaces shall be maintained in sound, clean conditions at all times.
 - 1) Toys and equipment that are placed in children's mouths or are otherwise contaminated by body secretions or excretions shall be set aside to be cleaned with water and detergent, rinsed, sanitized and air-dried before handling by another child. Machine-washable cloth toys may be used and shall be machine-washed at least weekly and when contaminated.
 - 2) Water tables and toys used in water tables shall be emptied daily and cleaned with a mild germicidal solution before being air-dried. Children and staff shall wash their hands before using the water table.
- h) Extension cords meeting Underwriters Laboratories or equivalent standards may be used provided that they are inaccessible to children and do not present any safety hazard.
- i) Poisonous or potentially harmful plants shall be inaccessible to children.
- j) First-aid kits shall be maintained and readily available for use.

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- 1) Centers with a capacity of fewer than 100 children shall maintain at least two first-aid kits, a kit for on-site use and a travel kit for use on outings. Centers with a capacity of 100 or more children shall maintain at least three first-aid kits.
- 2) When a program operates in various parts of a building or on more than one floor, a separate first-aid kit shall be maintained in each area or floor.
- 3) The supplies for each first-aid kit shall be stored in a closed container which is clearly labeled as first-aid supplies and stored in a place that is accessible to child care staff at all times but out of the reach of children.
- 4) The on-site first-aid kits shall contain the following supplies, at minimum:
 - A) Disposable latex gloves;
 - B) Scissors;
 - C) Tweezers;
 - D) Thermometer;
 - E) Bandage tape;
 - F) Sterile gauze pads;
 - G) Flexible roller gauze;
 - H) Triangular bandages;
 - I) Safety pins;
 - J) Eye dressing;
 - K) Pen/pencil and note pad;
 - L) Cold pack;
 - M) Splint materials;
 - N) Adhesive bandages; and
 - O) Current American Academy of Pediatrics or American Red Cross standard first-aid text or an equivalent first-aid guide.
- 5) The travel first-aid kits for use on outings shall contain the above supplies (a first-aid chart may replace the required text) plus the following additional items:
 - A) Water;
 - B) Soap;
 - C) Antiseptic cream or solution;
 - D) Telephone number of the child care center (preferably on a laminated card); and
 - E) Coins for use in a pay phone.
- 6) First-aid kits shall be restocked after use, and an inventory shall be conducted of all kits at least monthly and a record kept of each inventory.
- 7) In addition to the full first-aid kit maintained at the center, each individual classroom shall stock a supply of latex gloves and adhesive bandages and restock these supplies as needed.
- 8) The telephone number for Poison Control shall be posted at each telephone.
- k) Day care centers are not required to have a portable fire extinguisher. However, if the day care center installs a portable fire

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extinguisher of its own volition, the extinguisher must be installed, tested, maintained, and tagged by businesses licensed by the Office of the State Fire Marshal under the Fire Equipment Distributor and Employee Regulation Act [225 ILCS 215] and 41 Ill. Adm. Code 250, Fire Equipment Distributor and Employee Standards.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 407.390 Outdoor Play Area

- a) A safe outdoor play area shall be provided.
- b) The requirements for outdoor play areas shall be met immediately, except for equipment and protective surfaces installed by the center before the effective date of this Part, and shall fully comply with this Part no later than 36 months after the effective date. Fences around play areas which are newly installed or replaced after the effective date of this Part must comply with the requirements of this Section.
- c) The outdoor play area shall accommodate 25 percent of the licensed capacity at any one time, but shall be no less than 1,500 square feet of useable activity/play space.
- d) There shall be a minimum of 75 square feet of safe outdoor area per child for the total number of children using the area at any one time. Children under the age of 24 months shall not use a common outdoor play area at the same time as children ages three or older.
- e) Play space shall be in a well-drained area.
- f) All play space shall be fenced or otherwise enclosed or protected from traffic and other hazards to a height of at least 48 inches (for fences installed or replaced after the effective date of this Part) so that no child is able to slip through the enclosure. Fences shall be constructed in such a way that children cannot exit without adult supervision. Corral-type fences and fences made of chicken wire shall not be used. Play areas for children under two years of age shall be enclosed so that the bottom edge is no more than 3 1/2 inches above the ground and openings in the fence are no greater than 3 1/2 inches.

- g) The outdoor play area shall be adequately protected from traffic, water hazards, electrical transformers, toxic gases and fumes, railway tracks and animal hazards.
- h) The outdoor play area shall be arranged so that all areas are visible to staff at all times.
- i) Protective surfaces shall be provided in areas where climbing, sliding, swinging or other equipment from which a child might fall is located.

- 1) The protective surface shall extend at least six feet beyond the perimeter of the equipment, except for swings.
- A) For single-axis (traditional) swings, the protective surface shall extend both forward and backward a distance of at least two times the height measured from the supporting bar.

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- B) For tire swings which rotate, the protective surface shall extend six feet beyond the farthest reach of the tire in all directions.
- 2) The protective surface shall be at least nine inches in depth, unless rubber mats are used which have been manufactured specifically for this purpose and which comply with the requirements established by the Consumer Products Safety Commission or the American Society for Testing Materials.
- 3) The surface material shall be properly drained to prevent the growth of molds and bacteria.
- 4) When resilient materials become packed, they shall be raked and/or turned to restore resilience.

- 1) A surface shall be provided that is suitable for children's wheeled vehicles and pull toys.
- k) There shall be a shaded area in the summer to protect children from excessive sun exposure. Equipment with smooth metal surfaces, such as slides, shall be in an area that is shaded during the summer or shall be placed in a north/south alignment.
- 1) Play areas and play equipment shall be maintained in a safe, clean and sanitary manner.

- 1) The equipment in the outdoor play area shall be of safe design and in good repair.
- 2) The equipment shall be free of sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, broken glass, lead-based paint or other poisonous materials.
- 3) All bolts, hooks, eyes, shackles, rungs and other connecting and linking devices used on playground equipment shall be designed and secured to prevent loosening or unfastening.
- 4) Outdoor equipment shall be situated to avoid collisions and accidents while still permitting freedom of action by the children.
- 5) Supports for climbing apparatus and large equipment shall be securely fastened to the ground.
- 6) Access to play equipment shall be limited to age groups for which the equipment is developmentally appropriate according to the manufacturer's instructions.
- 7) Swings, if used, shall have soft or flexible seats.
- 8) Crawl spaces, such as tunnels, shall be short and wide enough to permit access by adults.
- 9) All pieces of playground equipment used by children five years of age and younger shall be designed to guard against entrapment or situations that may cause strangulation.

- A) Openings in exercise rings shall be smaller than 4 1/2 inches or larger than nine inches in diameter.
- B) There shall be no openings in a play structure with a dimension between 3 1/2 inches and 9 inches (except for exercise rings). Side railings, stairs and other locations

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that a child might slip or climb through shall be checked for appropriate dimensions.

C) Distances between vertical slats or poles, where used, must be 3 1/2 inches or less (to prevent head entrapment).

D) No opening shall form an angle of less than 55° unless one leg of the angle is horizontal or slopes downward.

E) No opening shall be between 3/8 inch and one inch in size (to prevent finger entrapment).

10) Sandboxes, if smaller than 100 square feet, shall be covered when not in use. Larger sand play areas shall be covered, or there shall be a written plan for the daily raking and cleaning of animal fecal matter, if present.

11) Areas for sand play shall be distinct from the landing areas surrounding slides and other equipment.

m) The center director or designee shall inspect the playground daily before children go out to play to ensure there are no hazards present. There shall be adequate storage provided for outdoor equipment.

n) Approval of the Department shall be obtained prior to use of any play space not connected with the center in lieu of the center's own play space. Proposed use of a nearby park, school yard or other alternative shall be considered on a case-by-case basis in consultation with local health and safety officials, with consideration given to the following criteria:

1) Location;
2) Accessibility to children and staff by foot or the availability of push carts or other means of transporting infants and toddlers;

3) Age(s) of the children in the group(s);

4) Availability of appropriate equipment;

5) Traffic patterns of vehicles and people in the area;

6) Condition of the park in areas related to safety;

7) Usage of the park by other groups when the children would be most likely to use it;

8) Compliance with the requirements of Section 407.390(a) through (m).

p) If an area not connected with the center is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.

q) Roof-top playgrounds are permissible only if the playground is completely surrounded by a non-climbable fence at least eight feet in height which has no openings of any kind, a structural clearance for the use of the roof as a play area has been obtained, and the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau has approved in writing the use of the roof as a playground.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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SUBPART I: SEVERABILITY OF THIS PART

Section 407.400 Severability of This Part

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Renumbered from Section 407.35 at 21 Ill. Reg. _____, effective _____)

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407. Appendix A

MINIMUM EQUIPMENT AND SUPPLIES:
INFANT AND TODDLER PROGRAMS
(For every group of infants and toddlers)

This list of minimum equipment and supplies and their arrangement is not intended to define nor limit any program's philosophical approach. A minimum quantity and variety of materials is required to stimulate the development of each group of infants and toddlers. This list takes into account the following characteristics of infants and toddlers:

- short attention span
- physical needs for active and quiet play over a short time period
- need to learn through concrete activities
- inability to share

Unless otherwise noted, all items on this list shall be available to the children at all times when they are active and awake.

FURNISHINGS	TODDLERS	
	INFANTS	TODDLERS
	1) Seating appropriate for the children's developmental abilities: safe, sturdy, with backs (and sides/arms as appropriate)	1) Same
	2) One crib with mattress, sheet, and blanket per infant	2) Stackable cots with sheet and blanket may be used for napping
	3) Adult-sized chairs with backs for staff, including at least one rocking chair. No folding chairs are permitted.	3) Same
	4) Low, open shelves and bookcases (one foot of shelving per child)	4) Same
	5) Space and equipment for maintaining children's records	5) Same
	6) Individual space for outer clothing	6) Same

INFANTS	TODDLERS	7) Infant seats	7) Not required
		8) Bathing tub	8) Same
		9) Diaper-changing table with a non-porous, non-absorbent surface, and an accessible hand-washing sink	9) Same
FURNISHINGS	10) Separate tightly covered washable receptacles with foot controls and disposable plastic liners for disposable diapers, cloth diapers and soiled clothes/linen	10) Same	
	11) Area rug or carpeting	11) Same	
	12) Portable gates as needed (must be tested and certified by Juvenile Products Manufacturers Association)	12) Same	
	13) Refrigerator	13) Same	
ACTIVE PLAY	14) Container for isolating, cleaning and sanitizing toys that have been in children's mouths	14) Same	
	15) Safety mirrors placed where children can observe themselves	15) Same	
	16) Safe, durable large building pieces or blocks, 20 per group of ten or fewer children, plus three per child for larger groups	16) Same	
	17) Four pieces of durable large muscle equipment for every 12 infants, such as two-step slide, rocking boat, indoor gym, swing, tunnel, climber	17) Same	

INFANTS	TODDLERS	ART AND MUSIC	FINE MOTOR	LANGUAGE DEVELOPMENT
4) Water-play equipment	4) Same			
5) Pull toys	5) Same	1) Audio equipment such as phonograph, cassette or compact disk player with at least six LP records, cassettes or compact disk	2) Not required	1) Two toys per child that are responsive to children's actions for sensory and manipulative activities, such as bells, busy boards, small balls, snags, together beads, nesting bowls, at least 100 pieces per group of ten or fewer children, plus ten blocks per child for larger groups
		1) Same, plus at least one musical instrument/toy per child	2) Sufficient art materials such as crayons, large paper and Play dough, for older toddlers, one easel for every ten children	2) One manipulative toy per child, such as puzzles, pegs and pegboards, bead and string sorters, nesting blocks, shape sorters
				1) Two durable books (cardboard, vinyl) per child, with rounded edges and bright pictures of familiar objects
				2) Pictures
				3) Other visual/manipulative materials such as flannel boards, magnetic boards, etc.

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GRAPHIC MATERIAL

See printed copy of IAC for detail

TODDLERS: Social/Expressive

At least two sets of equipment plus accessories for dramatic/pretend play for a group of five or fewer children. More than one of the same set may be included in the number provided (for example, two water tables with accessories could be provided). Each set should have adequate pieces for use by at least two children at once.

Sets of equipment could include the following:

doll beds with dolls;
kitchen set (stove and/or sink and/or refrigerator and/or cupboard with pots, pans, dishes, etc.);
at least five transportation toys of any size with pretend road, buildings, etc. (may be blocks);
puppet stage with puppets;
sand or water table (dish pans are acceptable) with accessories such as scoops and buckets; and
dress-up clothes hung on safe hooks or in wardrobe, plus mirror.

MEAB-PATTERN-CHART-FOR-CHILDREN
0--12-MONTHS-OF-AGE

MEAB	Ages-0-4 Months	Ages-4-8 Months	Ages-8-12 Months
BREAKFAST			
Infant--Formula---(iron fortified)	4-6-ounces	6-8-ounces	6-8
Infant---Cereal---(iron fortified)	0	1-3-tablespoons	2-4
SNACK-(Supplement)			
Infant---Formula---(iron fortified)	4-6-ounces	2-4-ounces	2-4
Infant---Full-strength-fruit	0	2-4-ounces	2-4-ounces
Infant---Whole-fluid-milk	----	0	2-4-ounces
Infant---Enriched-or-whole-grain bread	----	0-1/4-slice**	0-1/4

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Infant---Formula---(iron fortified)	4-6-ounces	6-8-ounces	6-8
Infant---Cereal---(iron fortified)	----	1-2-tablespoons	1-2
Infant---Vegetable---(to-total)	3-4	1-2	1-2
Infant---Strained-meat---fish, poultry, or egg-yolk	1-4	0-1	0-1
Infant---Cheese	----	0-1/2-ounce**	1/2-2-ounces
Infant---Cottage-cheese	----	0-1	0-1
Infant---Food---	1-4	1-4	1-4
Infant---Cheese-spread	1-4	1-4	1-4
Infant---Juice	----	21	Ill. Reg.
Infant---These-items-are-suggested, not required---Parents-should-ask-their doctor-if-they-have-questions-about-what-their-baby-should-eat.	----	21	Ill. Reg.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 407, APPENDIX B Equipment for Preschool Children Meal-Pattern-Chart-for Children Over-One-Year-of-Age**MINIMUM EQUIPMENT AND SUPPLIES:****PRESCHOOL PROGRAMS**

This list of minimum equipment and supplies and their arrangement is not intended to define nor limit any program's philosophical approach. A minimum quantity and variety of materials is required to stimulate the development of preschool children. This list takes into account the following characteristics of preschool children:

short attention span;
needs for active and quiet play over a short time period; and
need to learn through concrete activities.

Unless otherwise noted, the same item may fit into more than one category. For example, a particular cognitive game may be acceptable under the "Small Muscle" category or the "Cognitive" category. A center may choose which category to count an item under but may not count an item under more than one category.

Numbers of children refer to licensed capacity, not enrollment or attendance.

FURNITURE**1) Tables and Chairs**

Sufficient tables and chairs with backs for the children (one chair per child, no folding chairs), plus chairs with backs for staff. Chairs and tables may be moved out of the classroom to make room for other activities.

2) First-Aid Kits

Two first-aid kits (one to be taken on field trips). Centers licensed for 100 or more children shall have at least three first-aid kits.

3) Cots

Cot with blanket (for ill child). One cot per child in the licensed capacity for programs or parts of programs licensed to operate at least five hours per day.

4) Shelving

Low open shelves and bookcases with one foot of shelving per child.

5) Personal Storage Space

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Individual spaces for coats, boots and personal items.**6) Carpeting**

Area rug or carpeting for each group, or individual carpet squares or cushions for each child to sit on.

LARGE MUSCLE -- INDOORS**1) Building Blocks**

Twenty large building blocks per each group of ten or fewer children.

2) Large-Muscle Equipment

Two pieces of durable large-muscle equipment for every group of ten or fewer children; three pieces for groups of 11 to 20 children. Examples include a climber, rocking boat, tunnel, walking plank, riding toys.

3) Science Items

Five science items, such as magnets, magnifying glasses, pets, plants, etc., per group of 10 or fewer children, plus one for every two children in groups larger than ten.

4) Puzzles

One puzzle for every two children. Child care staff may rotate puzzles on display, and need not display all puzzles at all times.

LARGE MUSCLE -- OUTDOORS

In the following chart, the numbers of children refer to 1/4 of the center's licensed capacity OR the number of children who use the playground at any one time, whichever is greater. Playgrounds are required to accommodate at least 1/4 of the center's licensed capacity. However, some playgrounds are big enough to accommodate more than 1/4 of the licensed capacity. A center licensed for 40 children with a playground that can accommodate ten children would need enough equipment for ten children, while a center licensed for 40 children with a large playground that all 40 children use at once would need adequate equipment for 40 children.

<u>LARGE EQUIPMENT</u>	<u>Plus</u>	<u>MEDIUM EQUIPMENT</u>	<u>Plus</u>	<u>SMALL EQUIPMENT</u>
One item from this column for every 20 or fewer children		One item from this column for every ten or fewer children		One item from this column for every 7 or fewer children
climber* slide sand box building blocks/pieces set of 40 large blocks water play equipment water trough, hose, sprinkler, etc.		wheel toy (tricycle, wagon, etc.) balance beam tunnel rocking boat etc.		ball jump rope hula hoop etc.

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*On a large climber with several sections, each section counts as one item.

EXAMPLE: A center with 37 children would require: two items from the large equipment column; four items from the medium equipment column; and six items from the small equipment column.

NOTE: Indoor large muscle equipment may also be counted as outdoor equipment if it is available outdoors when the children are outdoors.

Programs which operate for three hours per day or less, programs which carry equipment to a remote outdoor play area and programs with playgrounds serving fewer than 20 children may substitute for the large equipment as follows: one medium equipment item for every three children, plus one small equipment item for every seven children OR one small equipment item for each child.

SMALL MUSCLE1) Small Blocks

Small blocks, including blocks which grip or lock together and other blocks which can be used for building. At least 100 pieces per group of ten or fewer children, plus ten blocks per child for groups larger than ten.

2) Manipulative toys

One toy for every three children. Examples include puzzles, pegboards with pegs, bead and string sets, nesting blocks.

3) Art Materials

A sufficient supply of art materials so that each child can participate daily, including: clay or play dough; tempera paints with paint brushes and paper; finger paints (non-toxic) with paper; paper, paste, blunt scissors and crayons; collage materials; and aprons or smocks.

4) Easels

Two easels or one double easel for each group of 20 or fewer children.

SOCIAL/EXPRESSIVE/LANGUAGE DEVELOPMENT1) Dramatic/Pretend Play Items

At least six sets of equipment plus accessories useable for dramatic/pretend play for a group of ten or fewer children. At least nine sets for a group of 11 to 20 children. More than one of the same

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set may be included in the number provided (two water tables with accessories would count as two sets). Each set should have adequate pieces for use by at least three children at once. Some examples of sets are:

doll bed with dolls;
kitchen set (stove and/or sink and/or refrigerator and/or cut-board) with pots, pans, dishes, etc.;
at least five transportation toys of any size, with pretend road, buildings, etc. (may be blocks);
puppet stage with puppets;
sand or water table (dish pans are acceptable) with accessories (scoops, buckets, etc.); and
dress-up clothes hung on safe hooks or in a wardrobe, mirror, etc.

2) Music Items

a) Rhythm band or other group of instruments to be played by children (one instrument for every two children);

b) One record player, cassette player or compact disc player per group, with at least ten records, cassettes or compact disks.

3) Flannel Board/Velcro Board

One board per group, with accessories.

4) Language Development PicturesCOGNITIVE1) Books

At least 20 books per group of ten or fewer children, plus two books per child for groups larger than ten. All books need not be displayed at all times; child care staff may rotate books on display.

2) Cognitive Games

Five cognitive games to teach number concepts, letter, shape, size and color concepts per group of ten or fewer children, plus one game for every two children in groups larger than ten.

MEAL-PATTERN-CHART-FOR-CHILDREN
OVER-ONE-YEAR-OF-AGE

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	BREAKFAST		LUNCH/SUPPER			
	Ages		Ages			
	1-to-3	3-to-6	6-to-12	1-to-3	3-to-6	6-and older
Milk	1/2 cup	3/4 cup	1 cup	1/2 cup	3/4 cup	1 cup
Milk--fluid						
VEGETABLES						
AND-FRUIITS						
Vegetables(1	1/4 cup	1/2 cup	1/2 cup	1/4 cup	1/2 cup	3/4> cup
and/or-fruit(1s)	cup	cup	cup	total	total	total
--or						
Full-strength						
vegetable-or-fruit						
juice-----or-----an						
equivalent						
quantity-of---any						
combination-----of						
vegetables(1s)						
fruit(1s)-----and	1/4 cup	1/2 cup	1/2 cup			
juice-						
BREAD-AND-BREAD						
ALTERNATES						
Bread	1/2 slice	1/2 slice	1 slice	1/2 slice	1/2 slice	1 slice
--or						
Cornbread	1/2 serving	1/2 serving	1 serving	1/2 serving	1/2 serving	1 serving
biscuits,---rolls						
muffins, etc.						
--or						
Cold-dry-cereal	1/4 cup-or 1/3-oz.	1/3 cup-or 1/2-oz.	3/4 cup-or 1-oz.			
--or						
Cooked-cereal	1/4 cup	1/4 cup	1/2 cup			
or						
Cooked---pasta---or						
noodle-products	1/4 cup	1/4 cup	1/2 cup			
or						

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Cooked-cereal-grain or--an--equivalent quantity---of---any combination-----of bread/bread alternate	1/4 cup	1/4 cup	1/2 cup		
Cooked---pasta---or noodle-products-or cooked-----cereal grains-----or-----an equivalent quantity--of---any combination-----of bread/bread alternate	1/4 cup	1/4 cup	1/2 cup		
MEAT-AND-MEAT ALTERNATES					
Bean-----meat-----or poultry-of-fish	1-oz.	1-1/2 1/2-oz.			2-oz.
or Cheese	1-oz.	1-1/2 1/2-oz.			2-oz.
or Eggs	1-egg	1-egg			1-egg
Cooked-dry-beans-or peas	1/4 cup	3/8 cup			1/2 >cup
or Peanut-butter-or-an equivalent quantity--of---any combination-----of meat/meat alternate	2 tbspr	3 tbspr			4 tbspr

(1) Children--age-12-and-up-may-be-served-adult-size-portion-based-on-the greater-food-needs-of-older-boys-and-girls-but-shall-be-served-not less--than--the--minimum-quantities-specified-for-children-age-6-up-to 12.					
(2) For-purposes-of-the-requirements-outlined---a-cup--means--a--standard					

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measuring-cup:

(3) Bread,---pasta,---or---noodle---products---and---cereal---grains---shall---be whole-grain-or-enriched,---Cornbread,---biscuits,---rolls,---muffins,---etc., shall---be---made---with---whole-grain---or---enriched-meal---or---flour,---Cereal shall---be---whole-grain---or---enriched---or---fortified.

(4) Serve-2-or-more-kinds-of-vegetable(s)-and/or-fruit(s);---Fruit---strength vegetable-or-fruit-juice-may-be-counted-to-meet-not-more-than-one-half of-this-requirement.

(5) Cooked-lean-meat-without-bone-

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 407. APPENDIX C Equipment for School-Age Children Minimum-Equipment-and-Supplies-----pre-school-programs

MINIMUM EQUIPMENT AND SUPPLIES:

SCHOOL-AGE PROGRAMS

The quantities of equipment and supplies for school-age programs may be defined in three possible ways:

1) The proportion for the total program size, as defined by the maximum daily attendance of the entire school-age program.

2) The proportion required for each "functional group", defined as the maximum group size allowed in a defined space that can offer a certain activity.

Example 1: If a school-age child care program had 60 participants in three self-contained rooms each containing 20 children and one or more staff, and the lead staff member in each room independently did program planning, the program would contain three "functional groups."

Example 2: A program with 60 participants divided into groups of 20 with a carefully planned curriculum based on rotating each group through specially equipped, limited-purpose rooms would have a functional group size of 20 to 60, depending on how many rooms would potentially have children utilizing a certain function simultaneously.

If Arts and Crafts could be done in only one of the rooms, which held a maximum of 20 children, the functional group size for Arts and Crafts would be 20.

If Dramatic/Creative Play could occur simultaneously with a group of 20 in the gym and another group of 20 in a different room, the functional group size for Dramatic/Creative Play would be 40.

If Fine Motor Activities were potentially available in all three rooms, the functional group size for Fine Motor Activities would be 60.

3) The absolute number of items required regardless of program size or type of scheduling/space utilization.

CATEGORY: Furniture

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TYPE	Quantity Per Functional Group	Quantity Per Program
1) Seating at tables (type of seating to be based on the type of program).		one per child and staff.
2) Individual spaces for outer clothing and children's belongings.	one per child	
3) If children must sit on the floor, an area rug, mats, carpet squares or carpeting is required.	one cushioned area per child and staff	
4) Lounging area with cushioning (floor pillows, sofa, mats, bean bag chairs). May be a mobile and/or expandable area.		Space in area for 20% of children
5) Equipment for individual children who need naps. May include exercise mats or cots. Area may be separate from lounging area if non-sleeping children use that area.	one for each child requiring naps.	

CATEGORY: Active Large-Muscle Equipment -- Outdoor

TYPE	Quantity Per Functional Group	Quantity Per Program
1) Sports and large-muscle development equipment. Sports equipment may include: baseball/softball, jump rope, soft foam football, volleyball, badminton, Frisbee, four square, shuffle board, tug-of-war, rope, scoops/balls, parachute, logs, basketball, soccer ball, T-ball, croquet, hockey, hula hoop, roller skates, non-steel belted tires punctured to drain water.	four	

CATEGORY: Active Large-Muscle Equipment -- Indoor

TYPE	Quantity Per Functional Group	Quantity Per Program
1) Sufficient equipment for the sport, number of children and length of program day. Indoor sports equipment may include the items listed under outdoor equipment, plus beach, ping pong and soft foam balls.	four	one piece for every additional 25% of children not included in functional group calculation.

CATEGORY: Arts and Crafts

TYPE	Quantity Per Functional Group	Quantity Per Program
1) Scissors/paintbrushes (age-appropriate)	one per child up to ten children; one per three additional children in the functional group	
2) Expendable art supplies for simple arts and crafts activities: paper (construction, computer, chalk, charcoal); drawing or doodling paper; paints; easel; crayons, markers, colored pencils; tape, paste, glue; collage materials; finger paints.		

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3) Extended arts and crafts projects: sewing, knitting, woodworking, leather craft, model building, basket weaving, printing, calligraphy, jewelry-making, bead work, clay weaving, lantern-making, kite-making.	Minimum of one project and sufficient materials and supplies for 100% of children age 2 and older
--	---

CATEGORY: Music

TYPE	Quantity Per Functional Group	Quantity Per Program
1) Operable equipment to listen to, play or make music (e.g., phonograph, compact disk player, cassette player, radio, rhythm or other instruments, VCR).		At least one.
2) Records, cassettes, compact disks or music videos.		Ten from any categories for which the program has equipment.

CATEGORY: Dramatic/Creative Play

TYPE	Quantity Per Functional Group	Quantity Per Program
1) Dress-up clothing and accessories.		Access to one set for 15% of the capacity.
2) Prop sets (e.g., occupations, restaurant, cheerleading).		Access to one set.
3) Small, interlocking blocks and accessories (e.g., cars, figures, animals).		Minimum of a full gallon-size container per 20 children under age nine.

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4) Other blocks: one set of medium unit blocks (minimum of 60) and accessories OR one set of large shoe-box size or larger blocks (minimum of 40) OR large cardboard boxes suitable for building or creating structures.	Access to one set per 20 children under age nine.
--	---

CATEGORY: Literacy Materials

TYPE	Quantity Per Functional Group	Quantity Per Program
1) Dictionary	one	
2) Materials representing literacy activities: <ul style="list-style-type: none"> • Writing supplies (pens, pencils and/or markers, paper) • Reading materials for children to read themselves or for staff to read to/with children (books, magazines, comic books, cassette read-along books) • Games that include literacy (Scrabble, Hangman, Jeopardy) • Other media that improve literacy (cassette tapes and recorder, videotapes/film strips and VCR/projector, computer software with computer, flannel board with materials) 		Sufficient materials from at least two of the categories so that 25% of children may use them at any one time.

CATEGORY: Science and Math Materials

TYPE	Quantity Per Functional Group	Quantity Per Program
1) Science/math materials representing different activities, such as: plants and planting equipment; small animals (fish, ant farm, etc.); magnifying glass; microscope; rules; scales; clocks; pretend money; thermometers; rocks; water-counting materials with accessories.		Activities representing at least four different science items with sufficient quantities for 25% of children to be engaged at any one time.

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CATEGORY: Games and Puzzles

TYPE	Quantity Per Functional Group	Quantity Per Program
1) Items must be selected from the following categories (no one item may exceed 25% of the requirement): • <u>Puzzles</u> • <u>Table games</u> (Candyland, Chutes & Ladders, Sorry, Connect Four for younger children and/or shorter time periods; Backgammon, Monopoly, Clue, Chess, Yahtzee for older children and/or longer time periods) • <u>Card games</u> (Uno, Rummy, Old Maid, Fish, War)		Sufficient quantities for 25% of children to be engaged at any one time.

CATEGORY: Fine Motor Activities

TYPE	Quantity Per Functional Group	Quantity Per Program
1) Manipulatives, including: small, interlocking blocks (minimum gallon-size container full), Tinker Toys, jacks, marbles, Pick-Up Sticks, dominoes, juggling equipment, erector sets, Bristle Blocks, Lincoln Logs.		Sufficient quantities for 25% of children to be engaged at any one time.

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PERMIT

LICENSE
(additional equipment and supplies)

Furniture:

1--Sufficient--tables--and chairs--with--backs--for children--(one--chair per-----child-----no folding--chairs);	1--Durable--large--building blocks-----at--least--48 per--every--20--children--24--
2--One-cot--per--licensed capacity;	2--Three-----pieces-----of durable---large-muscle equipment--per--every--20 children;
3--First-aid-kit;	-----climber
4--Cot--with--blanket--(for ill-child);	-----rocking--boat
5--Chairs--with--backs--(for staff);	-----triangle-set
6--Bow-open--shelves--and bookcases--(one--foot per-child);	-----tunnel--walking-plank
7--Space/equipment-----for maintenance-----of children's-records;	-----wheel-toys
8--Individual-spaces--for outer-clothing;	
9--Area-rug-or-carpeting-	
Active;-----large-muscle Play--(for--indoors)	Active;-----large-muscle Play--(for--outdoors)
	(See-Section-407-3(d)

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PERMIT

LICENSE
(additional equipment
and supplies)

----water-play-materials
----balls

Art-and-music-activities
ten:

1--Phonograph

2--Records-----At-least
six

3--One-double-cassette

Dramatic-play:

1--Small-blocks-----at
least-200-pieces2--Three-----small-----durable
transportation-toys3--One-----spontaneous
dramatic-play-----area
with-at-least-two
pieces-of-permanent
equipment

----pretend-area

----work-bench-(wood-work
and-tools)----house-keeping
area-e-g-7-----doll
bed-7-----stove-7-----sink-7
refrigerator
cupboard-7-etc.4--Accessories-dolls
dishes-pots-and-pans

Ponder-Play:

1--Books-----one-per-every
child

child:

2--Puzzles-----one-per
every-four-children

3--Cognitive-games

----one-per-every-four
children-e-g-7-number
concepts-7-----letter
concepts-7-----shape
concepts-7-----size
concepts-7-----color

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PERMIT

LICENSE
(additional equipment
and supplies)

concepts:

4--Science-----items-e-g-7
magnet-7-----magnifying
glass-7-pets-7-plants:

Expendable-supplies:

1--Clay-or-playdough-7
2--Tempera-----or-----finger
paints-(non-toxic)-7
3--Paper-----colored-----and
white-7
4--Paste-(non-toxic)-7
5--Scraps-----collage
materials-7
6--Paint-brushes-7
7--Crayons-7
8--Blunt-scissors-7
9--Aprons-----smocks-7
1--Manipulative-toys-----

Fine-motor-Development:

one-per-every-four
children-e-g-7-----pegs
and-pegboards-7-beads
and-----strings-7
interlocking-----plastic
forms-7-----puzzles-7
nesting-blocks-7
2--Sand-----or-----water-play
equipment-7

Language-Development:

1--Pictures-7
2--Bulletin-boards-7
3--Flannel-board-----and
flannel-sets-7

Food-Service-Supplies:

1--Dishes-----silverware
and-cups-if-meals-are
to-be-served

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 407 APPENDIX D Infant Daily Food Requirements Minimum--Equipment--and
Supplies-----Infant-and-Toddler-Programs

INFANT DAILY FOOD REQUIREMENTS

These feeding requirements are to be used as guidelines only. Food needs vary with each infant.

	Birth-3 weeks	3 weeks-2 months	2-3 months	4-5 months	6-7 months	8-9 months	10-12 months
Formula	2 1/4-4 oz. per feeding or 16-24 oz. total	4-6 oz. per feeding or 21-24 oz. total	5-7 oz. per feeding or 24-32 oz. total	5-7 oz. per feeding or 25-36 oz. total	6-8 oz. per feeding or 24-32 oz. total	6-8 oz. per feeding or 24-32 oz. total	6-8 oz. per feeding or 16- 24 oz. total
Cereal				2-5 lbsp. total	3-5 lbsp. total	4 lbsp. or more total	4 lbsp. or more total
Vegetabi les					1-3 lbsp. total	1/2-1 jar* (1/4-1/2 cup) total	1-2 jars (1/2 cup) total
Fruits					1-3 lbsp. total	1/2-1 jar (1/4-1/2 cup) total	1-2 jars (1/2 cup) total
Meats						2-4 lbsp. total	1/2 jar (1/4 cup) or more total

* Jar size equals 4.5 ounces.

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* Jar size equals 4.5 ounces.

MINIMUM EQUIPMENT AND SUPPLIES
INFANT AND TODDLER PROGRAMS
FOR EVERY 20 INFANTS AND TODDLERS

(Quantity of equipment is to increase in proportion
to licensed capacity of facility)

INFANT PROGRAMS	TODDLER PROGRAMS
1. Sufficient infant-sized tables and chairs with backs for infants able to sit alone. One chair per infant, no folding chairs.	1. Same as furniture for preschool--programs plus:
2. One crib with mattress and blanket per infant in attendance.	2. Staining chairs--(Stackable cots may be substituted for napping.)
3. Ten unit first-aid kit.	
4. Crib with mattress and blanket for infant.	
5. Chairs with backs (for staff).	
6. Bow open shelves and bookcases (one foot per child).	
7. Space and equipment for maintenance of children's records.	
8. Adult rocker.	
9. Individual space for outer clothing.	
10. High chairs.	
11. Infant seats.	
12. Baby walkers (optional).	
13. Bathing tub.	13. Bathing tub.
14. Changing table with changeable covering.	14. Changing table with changeable covering.

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INFANT-PROGRAMS

TODDLER-PROGRAMS

TODDLER-PROGRAMS

15--Diaper---pail---with
liners:
16--Area---rug-----or
carpeting-

15--Diaper---pail---with
liners:
Toilet-with---training
seats-----child-size
toilet---or---potty
chair-

17--Play pens-(optional)-
18--Gates-as--needed-for
safety:

18--Gates-as--needed--for
safety:

19--Refrigerator:

Active-large-muscle-play: 1--Large-building-blocks
(may-----be-----of
non-durable-material)
---at-least-20:

-SAME-----AS-----PRESCHOOL
PROGRAMS:

-2--Five-----pieces-----of
durable--large-muscle
equipment--for--every
20--infants--such-as:
---Baby-bouncers
---Large-turning-balls
---Body-wheels
---Riding-stools
-3--Large---open--plastic
ball:

-2--Five-----pieces-----of
durable--large-muscle
equipment--for--every
20--toddlers--such-as:
---Two-step-slide
---Rocking-boat
---Indoor-gym-house
---Swing
---Tunnel

-4--Water-play-equipment
-1--Phonograph

---Climber
-SAME-----AS-----PRESCHOOL
PROGRAMS:

-2--Records-----at-least
six:
-3--Musical-pull-toys:
-4--Rattles:
-5--Drum------(without
sticks):

---Climber
-SAME-----AS-----PRESCHOOL
PROGRAMS:

FINE-MOTOR-DEVELOPMENT:

1--Matching-and--feeling
toys-----one-per-every
two-children--such-as:
---plastic-clutch-toys
---form-toys
---rattles
---pull-toys
---feeling-balls
-2--Manipulative-toys-----
one---per---every---two
children--such-as:

-SAME-----AS-----PRESCHOOL
PROGRAMS:

Language-Development:
PROGRAMS:

-----teething-toys
-----wooden-rattles
-----shape-toys
-----clutch-balls
-1--Pictures-

-2--Bulletin-boards-

FURNISHINGS-SUPPLIES:

-1--For-----each
crib--bumpers--sheets
(cotton--plus--rubber
and/or-----plastic),
blankets:
-2--Bath-towels:
-3--Wash-cloths:
-4--Diapers:
-5--Cover(s)-for-changing
table:

-SAME-----AS-----PRESCHOOL
PROGRAMS:

-6--Sterile-cotton-balls:
-7--Facial-tissues:
-8--Soap:
-9--Petroleum--jelly--or
bland-----diaper-rash
ointment:
10--Rubber-bulk-----ear
syringe--with--blunt
plastic---or---rubber
tip:
11--Bottle-warmer:

-7--Facial-tissues:
-8--Soap:
-9--Petroleum--jelly--or
bland-----diaper-rash
ointment:

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 407. APPENDIX E Meal Patterns and Service Sizes for Child Care Programs
Licensed-of-Registered-ProfessionsMEAL PATTERNS AND SERVING SIZES
FOR CHILD CARE PROGRAMS

MEAL	FOOD ITEMS	AGE (1-3 years)	AGE (3-6 years)
Breakfast	Fluid Milk	1/2 cup	3/4 cup
	Juice/fruit or vegetable	1/4 cup	1/2 cup
	Bread/bread alternate, whole grain/enriched	1/2 slice or 0.5 oz.	1/2 slice or 0.5 oz.
	Or cereal cold/dry	1/4 cup	1/2 cup or 1/2 oz.
	Or cereal hot/cooked	1/4 cup	1/4 cup
Lunch/Dinner	Lean meat, fish or poultry	1 oz.	1 1/2 oz.
	Or cheese	1 oz.	1 1/2 oz.
	Or egg	1	1
	Or cooked dry beans and peas	1/4 cup	3/4 cup
	Or peanut butter*	2 Tbsp.	3 Tbsp.
	Fruits and/or Vegetables (2 or more total)	1/4 cup total	1/2 cup total
	Bread/bread alternate, whole grain/enriched	1/2 slice or 0.5 oz.	1/2 slice or 0.9 oz.
	Fluid milk	1/2 cup	1/2 cup
	Dessert (optional)	1/4 cup	1/4 cup
Snacks**	Fluid milk	1/2 cup	1/2 cup
	Bread/bread alternate, whole grain/enriched	1/2 slice or 0.5 oz.	1/2 slice or 0.5 oz.
	Or cereal cold/dry	1/4 cup	1/2 cup

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Or cereal hot/cooked	1/4 cup	1/4 cup
Lean meat, poultry or fish	1/2 oz.	1/2 oz.
Or cheese	1/2 oz.	1/2 oz.
Or cooked dry beans	1/2 cup	1/2 cup
Or peanuts, peanut butter, nuts or seeds	1 Tbsp.	1 Tbsp.
Juice/fruit or vegetable (full-strength juice)	1/2 cup	1/2 cup

*Spread thinly for children ages 1-3 years or mix with other foods.

**Mid-morning or mid-afternoon supplement; select 2 of the 4 components.

LICENSED-OR-REGISTERED-PROFESSIONS

The following professions cited in this Part require license or registration in the State of Illinois:

1) NURSE

Illinois Nursing Act (Ill. Rev. Stat. 1981, ch. 111, par. 1981-111-1)

3404-1

2) PHYSICIAN

Medical Practice Act (Ill. Rev. Stat. 1981, ch. 111, par. 1981-111-1)

4409-1

3) PHYSICIAN'S ASSISTANT

Physician's Assistants Practice Act (Ill. Rev. Stat. 1981, par. 4751-et seq.)

4) PHYSICIAN'S THERAPIST

An Act in Relation to Physical Therapy (Ill. Rev. Stat. 1981, ch. 111, par. 4302-1)

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5)--PSYCHOLOGIST

Psychologist-Registration-Act--(111--Rev-
Stat--1981--ch--1117--par--5303--)

6)--SOCIAL-WORKER

Social--Workers--Registration--Act--(111--
Rev--Stat--1981--ch--1117--par--6304--)(Source: Amended at 21 Ill. Reg. _____, effective
_____)

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Section 407.APPENDIX F Resource Reference List

Laws of the State of Illinois

- Abused and Neglected Child Reporting Act [325 ILCS 5]
- Child Care Act of 1969 [225 ILCS 10]
- Fire Equipment Distributor and Employee Regulation Act [225 ILCS 215]
- Food Handling Regulation Enforcement Act [410 ILCS 625]
- Furniture Fire Safety Act [425 ILCS 45]
- Illinois Animal Control Act [520 ILCS 5]
- Illinois Child Labor Law [820 ILCS 205]
- Illinois Environmental Barriers Act [410 ILCS 25]
- Illinois School Code [105 ILCS 5]
- Illinois Vehicle Code [625 ILCS 5]

Laws of the United States Government (federal)

- Americans with Disabilities Act (42 U.S.C. 12101)
- Fair Labor Standards Act (29 U.S.C. 214)

Administrative Rules of the Illinois Department of Children and Family Services

- 89 Ill. Adm. Code 377, Facilities and Programs Exempt from Licensure
- 89 Ill. Adm. Code 385, Background Checks

Administrative Rules of the Illinois Department of Public Health

- 77 Ill. Adm. Code 520, Treatment of Choking Victims
- 77 Ill. Adm. Code 690, Control of Communicable Diseases Code
- 77 Ill. Adm. Code 695, Immunization Code
- 77 Ill. Adm. Code 750, Food Service Sanitation Code
- 77 Ill. Adm. Code 820, Illinois Swimming Pool and Bathing Beach Code
- 77 Ill. Adm. Code 845, Lead Poisoning Prevention Act
- 77 Ill. Adm. Code 900, Drinking Water Systems Code

Administrative Rules of the Office of the State Fire Marshal

- 41 Ill. Adm. Code 100, Fire Prevention and Safety
- 41 Ill. Adm. Code 250, Fire Equipment Distributor and Employee Standards
- 41 Ill. Adm. Code 300, Furniture Fire Safety Regulations

Professionals Required to be Registered or Licensed and the Citation in the Illinois Compiled Statutes

- Clinical Social Worker - Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- Fire Equipment Distributor - Fire Equipment Distributor and Employee Regulation Act [225 ILCS 215]
- Nurses - Illinois Nursing Act of 1987 [225 ILCS 65]

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Occupational Therapist - Illinois Occupational Therapy Practice Act [225 ILCS 75]

Pest Control Technicians - Structural Pest Control Act [225 ILCS 235]

Physical Therapist - Illinois Physical Therapy Act [225 ILCS 90]

Physicians - Medical Practice Act of 1987 [225 ILCS 60]

Physician's Assistants - Physician Assistant Practice Act of 1987 [225 ILCS 95]

Professional Counselor - Professional Counselor and Clinical Professional Counselor Act [225 ILCS 107]

Psychologists - Clinical Psychologist Licensing Act [225 ILCS 15]

(Source: Added at 21 Ill. Reg. _____, effective _____)

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Section 407. APPENDIX C Early Childhood Teacher Credentialing Programs

The Department will use the following criteria to review and approve early childhood teacher credentialing programs:

Eligibility Requirements

1. Candidates must be at least 18 years of age.
2. Candidates must have at least a high school diploma or equivalency (GED).
3. The credentialing program must require a minimum of 640 clock hours of documented experience within the past five years working with children ages zero to six in a licensed, center-based program.

Credentialing Process:

The credentialing process must include:

1. The child care director's recommendation in support of the candidate.
2. A review of the applicant's interaction with children under direct supervision by an impartial person.
3. A minimum of 120 clock hours of broad based training which has been completed successfully and which has been documented. One semester hour of college credits in early childhood education is equivalent to 15 clock hours of formal in-service training. This training may be completed through:
 - A. Early childhood education courses at an accredited college or university, or
 - B. Documented seminars and workshops pertaining to the growth and education of children zero to six years of age, at educational conferences of recognized National or State associations, agencies, or educational institutions.
4. Professional resource file or portfolio which demonstrates the understanding of core professional content areas including, but not limited to, the following:
 - A. Principles of child growth and development.
 - B. Planning a safe, healthy learning environment.
 - C. Advancing children's physical and intellectual development.
 - D. Supporting children's social and emotional development.
 - E. Establishing productive relationships among family, school, and community.
 - F. Managing an effective program operation.
 - G. Maintaining a commitment to professionalism.
 - H. Observing and recording children's behavior.
 - I. Understanding the development of children's language.
5. A written assessment or examination which evaluates verbal and written

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communication skills and professional knowledge.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Commercial Fishing in Lake Michigan

2) Code Citation: 17 Ill. Adm. Code 850

3) Section Numbers: Proposed Action:
 850.20 Amendments
 850.50 Amendments
 850.80 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].

5) A Complete Description of the Subjects and Issues Involved: The Department is amending Section 850.20 to close the harvest of yellow perch because the supply of yellow perch has continued to decline dramatically throughout the southern portion of Lake Michigan due to greatly diminished reproductive success. In Sections 850.20 and 850.80 the requirement to harvest at least 40% of the annual license quota is being dropped, since commercial fishermen will only be able to fish for bloater chubs.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701-1787
 217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Commercial fishermen licensed by the

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Department of Natural Resources to fish Lake Michigan.

- B) Reporting, bookkeeping or other procedures required for compliance: The commercial fishermen are required to submit monthly catch reports and a yearly operational plan. The catch reports are necessary to monitor the removal of fish from Lake Michigan. The yearly operational plan identifies the port from which each fisherman's vessel will operate and the exact location at which all harvested fish will be transferred from the vessel to the shore. The operational plan is necessary to monitor the fishermen's activities for law enforcement purposes.

- C) Types of professional skills necessary for compliance: No professional skills are required.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This Part was not listed on the last two regulatory agendas because the Department did not anticipate amending this Part.

The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 850

COMMERCIAL FISHING IN LAKE MICHIGAN

Section

850.5	Introduction
850.10	Possession and Identification of Gear
850.20	Quota
850.25	Seasons
850.30	Restricted Commercial Fishing Areas
850.40	Limited Entry
850.50	License Eligibility and License Provisions
850.60	Application for License
850.80	Suspension or Revocation

AUTHORITY: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].

SOURCE: Adopted at 3 Ill. Reg. 44, p. 46, effective November 1, 1979; codified at 6 Ill. Reg. 877; amended at 6 Ill. Reg. 3846, effective March 31, 1982; amended at 7 Ill. Reg. 2711, effective March 2, 1983; amended at 8 Ill. Reg. 7220, effective May 15, 1984; emergency amendment at 9 Ill. Reg. 4854, effective April 2, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 6179, effective April 23, 1985; amended at 10 Ill. Reg. 9789, effective May 21, 1986; amended at 12 Ill. Reg. 7996, effective April 25, 1988; amended at 16 Ill. Reg. 11029, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 12626, effective July 24, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18967, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 17263, effective September 23, 1993, for a maximum of 150 days; emergency expired February 20, 1994; amended at 18 Ill. Reg. 5834, effective April 5, 1994; emergency amendment at 19 Ill. Reg. 5257, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10568, effective July 1, 1995; recodified by changing the name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. _____, effective _____.

Section 850.20 Quota

- a) Harvest quotas will be reviewed annually and will be established by the Department for each license fishing year taking into consideration the condition and supply of Lake Michigan fish stocks.
- b) For each license year beginning April 1st and ending March 31st, annual total harvest quota of 0 120,000 pounds (round weight) of

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yellow perch and 125,000 pounds (dressed weight) of bloater chubs will be permitted. These annual total harvest quotas shall be divided equally among each licensee at the beginning of each license year. Upon reaching their share of the annual harvest quota for each species, each commercial license holder shall terminate fishing for that species for the remainder of the current license year. It shall be unlawful to possess other species except smelt and alewife incidentally caught in bloater chub and yellow perch gill nets, fished in compliance with this Part and the Illinois Fish and Aquatic Life Code. All other species must be removed immediately from the gill nets as they are brought on board the vessel and returned to the water at once in the same condition as taken.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 850.50 License Eligibility and License Provisions

Lake Michigan Commercial Fishing License commences April 1st and expires March 31st and shall be valid for a period of 3 years. To be eligible for a license to fish commercially during a given fishing license year, the applicant, license holder, must meet the following requirements:

- a) Be an individual who has actually resided in Illinois for one year immediately preceding his application for a license to be allowed to fish commercially and who does not claim residency for commercial fishing purposes in another state or country.
- b) Be a corporation incorporated in Illinois for at least one year immediately preceding the application for a license to fish commercially during a given fishing year, or a corporation incorporated in Illinois by a currently licensed Lake Michigan Commercial Fisherman.
 - 1) All stockholders of such corporations shall have been Illinois residents for at least one year immediately prior to owning any stock or interest in said corporation, and remain in Illinois residents as long as they own such stock or interest.
 - 2) Individuals licensed as Lake Michigan Commercial Fisherman who wish to place the license into corporate control must own a controlling interest in the corporation (owns or controls more than 50%) at the time of transfer. Such corporations need not have been in existence for one year, but must meet all other requirements.
 - 3) All transfer of ownership interest in said corporation must be reported to the Department within ten (10) days of transfer.
 - 4) No such corporation may be wholly or partially owned by another corporation, and no individual shall own any part of more than one business entity holding a Lake Michigan Commercial Fishing License.
- c) Have ownership or legal control of a vessel of at least 12 net tons as

documented by the U. S. Coast Guard, showing an Illinois port of registration, having valid United States Coast Guard documentation in full force and effect, and in compliance with all state requirements established for such vessels in the Boat Registration and Safety Act [625 ILCS 45]. Any request for redesignation of a fishing vessel to be used by the license holder must be submitted in writing to and approved in writing by the Chief, Division of Fisheries. Approval will be granted if the requested vessel meets the U.S. Coast Guard documentation requirements and the license holder has a valid reason for redesignation such as loss or damage of the designated vessel or purchase of another vessel. Such requests must clearly state the reasons for redesignation and the anticipated period of use and shall be accompanied by a copy of the United States Coast Guard document for the requested vessel. Use of the vessel designated in Illinois for commercial fishing purposes in another state shall, upon verification, nullify the designated status of the vessel for commercial fishing purposes in Illinois.

- d) Have at least 6,000 feet of properly licensed gill netting possessing a diagonal stretched mesh measurement between 2-3/8 inches through 2-3/4 inches.
- e) Agree to keep accurate daily records of his catch and must submit catch reports monthly due to the Department by the 15th day of the following month on forms furnished by the Department (whether licensee did or did not catch fish). All monthly catch reports must be signed by the licensee or corporate chief executive officer. Failure to submit the required catch reports shall be grounds for suspension or revocation of the Lake Michigan Commercial Fishing License.
- f) Submit a yearly operational plan by months clearly identifying the port from which his vessel will operate and the exact location at which all harvested fish will be transferred from the vessel to shore. Transfer of fish from the license vessel to another vessel or to shore at any other location not identified in the yearly operational plan shall be grounds for suspension or revocation of the Lake Michigan commercial fishing license.
- g) ~~Commercially fish at least 40% of the annual license quota per license fishing year.~~
 - g) Permit Department biologists and Conservation Police Officers to obtain information from fish harvested such as lengths, weights, scale samples, sex, etc., as deemed necessary for management of Lake Michigan fish stocks.
 - h) License all of his commercial equipment as required by the Illinois Fish and Aquatic Life Code and this Part. A license holder shall not fish under the commercial fishing license of another person.
 - i) The captain of commercial fishing crews on board the vessel must be a resident of the State of Illinois in accordance with the definition in Section 1.3 of the Illinois Fish and Aquatic Life Code.
 - j) The licensee shall notify the Chief, Division of Fisheries, of any changes (except captain) in commercial fishing crew members in writing

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within 14 days after the change. Changes in captains requires prior written Department approval by the Chief, Division of Fisheries, and all such requests must be submitted in writing to the Chief, Division of Fisheries. Approval will be given if the Captain meets the requirements set forth in this Section.

k)†† A copy of the Lake Michigan Commercial Fishing license and a current listing of the captain and designated crew must be kept on board the fishing vessel at all times during the commercial fishing operations.

l)†† The licensee or the designated captain of the commercial fishing crew must be on board the vessel at all times during the commercial fishing operations. The licensee shall remain responsible for all obligations owed to the State of Illinois relating to the license, whether the licensee is on board the vessel or not.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 850.80 Suspension or Revocation

a) In accordance with 515 ILCS 5/20-105, violations of the following provisions will result in suspension or revocation of the Lake Michigan commercial fishing license for a period of not less than one (1) year:

- 1) Taking and possessing any species other than bloater chub, yellow perch, smelt and alewife;
- 2) Use of any commercial fishing devices other than gill nets having meshes not more than 2 3/4 inch diagonal stretched measurement nor less than 2 3/8 inch diagonal stretched measurement;
- 3) Commercial fishing in a restricted area;
- 4) Falsification of license eligibility requirements and/or application for license information;
- 5) Failure to submit catch reports or submitting falsified catch reports;
- 6) Exceeding harvest quota;
- 7) Transferring fish from the license vessel to other vessels or to shore at any other location not identified in the yearly operational plan;

b)† Violation of 050-50(k)-(failure-to-commercially-fish-at-least-40%--of-annual-license-quota-per-license-year)-shall-result-in-revocation-of-the-Lake-Michigan-Commercial-Fishing-License-unless-the-licensee-has-been-suspended-for-a-period-of-one-year-or-longer-under-provisions-of Section-050-00-of-this-Part--the-licensee-shall-have-his-name-deleted-from-the-current-list-of-eligible-candidates-

b)† Violations of any other provisions of the Lake Michigan Commercial Fishing Rule or the Illinois Fish and Aquatic Life Code pertaining to commercial fishing on Lake Michigan may also result in suspension or revocation of the Lake Michigan commercial fishing license.

c)†† An act or omission which constitutes a violation hereunder committed

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by an officer, employee or agent of a corporation shall be deemed the act or omission of the corporation, and the employee, agent, officers and shareholders may be suspended from engaging in Lake Michigan Commercial Fishing or owning any part of or being employed by such corporation for a period not to exceed five years, in addition to the suspension or revocation of the Lake Michigan Commercial Fishing License.

d)† In the event of a license suspension, the suspended licensee shall not be permitted to apply for a Lake Michigan commercial fishing license until the period of suspension has expired. In the event of a revoked license, the revoked licensee shall forfeit his license and shall have his name deleted from the list of eligible candidates. Revoked licensees shall not be permitted to apply for a Lake Michigan commercial fishing license until the period of revocation has expired. Revoked licensees making reapplication for a license shall be subject to all licensing provisions at the time of reapplication and shall have their name added to the current list of eligible candidates according to the lottery procedures as described in Section 850.40(b).

e)†† The procedure by which suspensions and revocations are made; the rights of licensees to notice and hearing; and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Rules governing Department Formal Hearings conducted for Rule-Making and Contested Cases).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Definitions and General Provisions

2) Code Citation: 35 Ill. Adm. Code 211

3) Section Numbers: 211.2285
Proposed Action: New

4) Statutory Authority: 415 ILCS 5/27

5) A Complete Description of the Subjects and Issues Involved: A more complete description of this regulation may be found in the Board's opinion and order of December 19, 1996 in R96-17. The Board is proposing a definition for "feed mill" to correspond with amendments to 35 Ill. Adm. Code 201.146. The amendments to that Part will exempt certain feed mills from State air emission permitting requirements.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
211.7150	Amended	20 Ill. Reg. 14116 (November 1, 1996)

10) Statement of Policy Objectives: The policy objective of this rulemaking are those enumerated in Sections 9 and 27 of the Environmental Protection Act. The objective is to protect health or the environment from air pollution.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R96-17 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312/814-6931

Questions regarding this proposal may be directed to Marie E. Tipsord at 312-814-4925.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business which has air emissions.

B) Reporting, bookkeeping, or other procedures required for compliance: None.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Rule(s) begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

211.101 Incorporations by Reference
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section

211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.210 Actual Heat Input
211.230 Adhesive
211.240 Adhesion Promoter
211.250 Aeration
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment
211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.474 Alcohol
211.484 Animal
211.485 Animal Pathological Waste
211.490 Annual Grain Through-Put
211.495 Anti-Glare/Safety Coating
211.510 Application Area
211.530 Architectural Coating
211.550 As Applied
211.560 As-Applied Fountain Solution
211.570 Asphalt

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211.590 Asphalt Prime Coat
211.610 Automobile
211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650 Automobile or Light-Duty Truck Refinishing
211.660 Automotive/Transportation Plastic Parts
211.670 Baked Coatings
211.680 Bakery Oven
211.685 Basecoat/Clearcoat System
211.690 Batch Loading
211.695 Batch Operation
211.696 Batch Process Train
211.710 Bead-Dipping
211.730 Binders
211.750 British Thermal Unit
211.770 Brush or Wipe Coating
211.790 Bulk Gasoline Plant
211.810 Bulk Gasoline Terminal
211.820 Business Machine Plastic Parts
211.830 Can
211.850 Can Coating
211.870 Can Coating Line
211.890 Capture
211.910 Capture Device
211.930 Capture Efficiency
211.950 Capture System
211.970 Certified Investigation
211.980 Chemical Manufacturing Process Unit
211.990 Choke Loading
211.1010 Clean Air Act
211.1050 Cleaning and Separating Operation
211.1070 Cleaning Materials
211.1090 Clear Coating
211.1110 Clear Topcoat
211.1130 Closed Parged System
211.1150 Closed Vent System
211.1170 Coal Refuse
211.1190 Coating
211.1210 Coating Applicator
211.1230 Coating Line
211.1250 Coating Plant
211.1270 Coil Coating
211.1290 Coil Coating Line
211.1310 Cold Cleaning
211.1330 Complete Combustion
211.1350 Component
211.1370 Concrete Curing Compounds
211.1390 Concentrated Nitric Acid Manufacturing Process

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211.1410	Condensate	
211.1430	Condensable PM-10	
211.1465	Continuous Automatic Stoking	
211.1470	Continuous Process	
211.1490	Control Device	
211.1510	Control Device Efficiency	
211.1530	Conventional Soybean Crushing Source	
211.1550	Conveyorized Degreasing	
211.1570	Crude Oil	
211.1590	Crude Oil Gathering	
211.1610	Crushing	
211.1630	Custody Transfer	
211.1650	Cutback Asphalt	
211.1670	Daily-Weighted Average VOM Content	
211.1690	Day	
211.1710	Degreaser	
211.1730	Delivery Vessel	
211.1750	Dip Coating	
211.1770	Distillate Fuel Oil	
211.1780	Distillation Unit	
211.1790	Drum	
211.1810	Dry Cleaning Operation or Dry Cleaning Facility	
211.1830	Dump-Pit Area	
211.1850	Effective Grate Area	
211.1870	Effluent Water Separator	
211.1875	Elastomeric Materials	
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding Coatings	
211.1890	Electrostatic Bell or Disc Spray	
211.1900	Electrostatic Prep Coat	
211.1910	Electrostatic Spray	
211.1920	Emergency or Standby Unit	
211.1930	Emission Rate	
211.1950	Emission Unit	
211.1970	Enamel	
211.1990	Enclose	
211.2010	End Sealing Compound Coat	
211.2030	Enhanced Under-the-Cup Fill	
211.2050	Ethanol Blend Gasoline	
211.2070	Excess Air	
211.2090	Excessive Release	
211.2110	Existing Grain-Drying Operation (Repealed)	
211.2130	Existing Grain-Handling Operation (Repealed)	
211.2150	Exterior Base Coat	
211.2170	Exterior End Coat	
211.2190	External Floating Roof	
211.2210	Extreme Performance Coating	
211.2230	Fabric Coating	

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211.2250	Fabric Coating Line	
211.2270	Federally Enforceable Limitations and Conditions	
211.2280	Feed Mill	
211.2290	Fermentation Time	
211.2300	Fill	
211.2310	Final Repair Coat	
211.2330	Firebox	
211.2350	Fixed-Roof Tank	
211.2360	Flexible Coating	
211.2365	Flexible Operation Unit	
211.2370	Flexographic Printing	
211.2390	Flexographic Printing Line	
211.2410	Floating Roof	
211.2430	Fountain Solution	
211.2450	Freeboard Height	
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source	
211.2490	Fugitive Particulate Matter	
211.2510	Full Operating Flowrate	
211.2530	Gas Service	
211.2550	Gas/Gas Method	
211.2570	Gasoline	
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility	
211.2610	Gel Coat	
211.2630	Gloss Reducers	
211.2650	Grain	
211.2670	Grain-Drying Operation	
211.2690	Grain-Handling and Conditioning Operation	
211.2710	Grain-Handling Operation	
211.2730	Green-Tire Spraying	
211.2750	Green Tires	
211.2770	Gross Heating Value	
211.2790	Gross Vehicle Weight Rating	
211.2810	Heated Airless Spray	
211.2830	Heatset	
211.2850	Heatset Web Offset Lithographic Printing Line	
211.2870	Heavy Liquid	
211.2890	Heavy Metals	
211.2910	Heavy Off-Highway Vehicle Products	
211.2930	Heavy Off-Highway Vehicle Products Coating	
211.2950	Heavy Off-Highway Vehicle Products Coating Line	
211.2970	High Temperature Aluminum Coating	
211.2990	High Volume Low Pressure (HVLDP) Spray	
211.3010	Hood	
211.3030	Hot Well	
211.3050	Housekeeping Practices	
211.3070	Incinerator	
211.3090	Indirect Heat Transfer	
211.3110	Ink	

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211.3130 In-Process Tank
 211.3150 In-Situ Sampling Systems
 211.3170 Interior Body Spray Coat
 211.3190 Internal-Floating Roof
 211.3210 Internal Transferring Area
 211.3230 Lacquers
 211.3250 Large Appliance
 211.3270 Large Appliance Coating
 211.3290 Large Appliance Coating Line
 211.3310 Light Liquid
 211.3330 Light-Duty Truck
 211.3350 Light Oil
 211.3370 Liquid/Gas Method
 211.3390 Liquid-Mounted Seal
 211.3410 Liquid Service
 211.3430 Liquids Dripping
 211.3450 Lithographic Printing Line
 211.3470 Load-Out Area
 211.3480 Loading Event
 211.3490 Low Solvent Coating
 211.3500 Lubricating Oil
 211.3510 Magnet Wire
 211.3530 Magnet Wire Coating
 211.3550 Magnet Wire Coating Line
 211.3570 Major Dump Pit
 211.3590 Major Metropolitan Area (MMA)
 211.3610 Major Population Area (MPA)
 211.3620 Manually Operated Equipment
 211.3630 Manufacturing Process
 211.3650 Marine Terminal
 211.3660 Marine Vessel
 211.3670 Material Recovery Section
 211.3690 Maximum Theoretical Emissions
 211.3695 Maximum True Vapor Pressure
 211.3710 Metal Furniture
 211.3730 Metal Furniture Coating
 211.3750 Metal Furniture Coating Line
 211.3770 Metallic Shoe-Type Seal
 211.3790 Miscellaneous Fabricated Product Manufacturing Process
 211.3810 Miscellaneous Formulation Manufacturing Process
 211.3830 Miscellaneous Metal Parts and Products
 211.3850 Miscellaneous Metal Parts and Products Coating
 211.3870 Miscellaneous Metal Parts or Products Coating Line
 211.3890 Miscellaneous Organic Chemical Manufacturing Process
 211.3910 Mixing Operation
 211.3915 Mobile Equipment
 211.3930 Monitor
 211.3950 Monomer

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211.3960 Motor Vehicles
 211.3965 Motor Vehicle Refinishing
 211.3970 Multiple Package Coating
 211.3990 New Grain-Drying Operation (Repealed)
 211.4010 New Grain-Handling Operation (Repealed)
 211.4030 No Detectable Volatile Organic Material Emissions
 211.4050 Non-Contact Process Water Cooling Tower
 211.4055 Non-Flexible Coating
 211.4065 Non-Heatset
 211.4070 Offset
 211.4090 One Hundred Percent Acid
 211.4110 One-Turn Storage Space
 211.4130 Opacity
 211.4150 Opaque Stains
 211.4170 Open Top Vapor Degreasing
 211.4190 Open-Ended Valve
 211.4210 Operator of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
 211.4230 Organic Compound
 211.4250 Organic Material and Organic Materials
 211.4260 Organic Solvent
 211.4270 Organic Vapor
 211.4290 Oven
 211.4310 Overall Control
 211.4330 Overvornish
 211.4350 Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
 211.4370 Owner or Operator
 211.4390 Packaging Rotogravure Printing
 211.4410 Packaging Rotogravure Printing Line
 211.4430 Pail
 211.4450 Paint Manufacturing Source or Paint Manufacturing Plant
 211.4470 Paper Coating
 211.4490 Paper Coating Line
 211.4510 Particulate Matter
 211.4530 Parts Per Million (Volume) or PPM (Vol)
 211.4550 Person
 211.4590 Petroleum
 211.4610 Petroleum Liquid
 211.4630 Petroleum Refinery
 211.4650 Pharmaceutical
 211.4670 Pharmaceutical Coating Operation
 211.4690 Photochemically Reactive Material
 211.4710 Pigmented Coatings
 211.4730 Plant
 211.4740 Plastic Part
 211.4750 Plasticizers
 211.4770 PM-10

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211.4790 Pneumatic Rubber Tire Manufacture
 211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
 211.4830 Polyester Resin Material(s)
 211.4850 Polyester Resin Products Manufacturing Process
 211.4870 Polystyrene Plant
 211.4890 Polystyrene Resin
 211.4910 Portable Grain-Handling Equipment
 211.4930 Portland Cement Manufacturing Process Emission Source
 211.4950 Portland Cement Process or Portland Cement Manufacturing Plant
 211.4970 Potential to Emit
 211.4990 Power Driven Fastener Coating
 211.5010 Precoat
 211.5030 Pressure Release
 211.5050 Pressure Tank
 211.5060 Pressure/Vacuum Relief Valve
 211.5061 Pretreatment Wash Primer
 211.5065 Primary Product
 211.5070 Prime Coat
 211.5080 Primer Sealer
 211.5090 Primer Surfacer Coat
 211.5110 Primer Surfacer Operation
 211.5130 Primers
 211.5150 Printing
 211.5170 Printing Line
 211.5185 Process Emission Source
 211.5190 Process Emission Unit
 211.5210 Process Unit
 211.5230 Process Unit Shutdown
 211.5245 Process Vent
 211.5250 Process Weight Rate
 211.5270 Production Equipment Exhaust System
 211.5310 Publication Rotogravure Printing Line
 211.5330 Purged Process Fluid
 211.5340 Rated Heat Input Capacity
 211.5350 Reactor
 211.5370 Reasonably Available Control Technology (RACT)
 211.5390 Reclamation System
 211.5410 Refiner
 211.5430 Refinery Fuel Gas
 211.5450 Refinery Fuel Gas System
 211.5470 Refinery Unit or Refinery Process Unit
 211.5480 Reflective Argon Coating
 211.5490 Refrigerated Condenser
 211.5500 Regulated Air Pollutant
 211.5510 Reid Vapor Pressure
 211.5530 Repair
 211.5550 Repair Coat
 211.5570 Repaired

211.5590 Residual Fuel Oil
 211.5600 Resist Coat
 211.5610 Restricted Area
 211.5630 Retail Outlet
 211.5650 Ringelmann Chart
 211.5670 Roadway
 211.5690 Roll Coater
 211.5710 Roll Coating
 211.5730 Roll Printer
 211.5750 Roll Printing
 211.5770 Rotogravure Printing
 211.5790 Rotogravure Printing Line
 211.5810 Safety Relief Valve
 211.5830 Sandblasting
 211.5850 Sanding Sealers
 211.5870 Screening
 211.5890 Sealer
 211.5910 Semi-Transparent Stains
 211.5930 Sensor
 211.5950 Set of Safety Relief Valves
 211.5970 Sheet Basecoat
 211.5980 Sheet-Fed
 211.5990 Shotblasting
 211.6010 Side-Seam Spray Coat
 211.6025 Single Unit Operation
 211.6030 Smoke
 211.6050 Smokeless Flare
 211.6060 Soft Coat
 211.6070 Solvent
 211.6090 Solvent Cleaning
 211.6110 Solvent Recovery System
 211.6130 Source
 211.6140 Specialty Coatings
 211.6145 Specialty Coatings for Motor Vehicles
 211.6150 Specialty High Gloss Catalyzed Coating
 211.6170 Specialty Leather
 211.6190 Specialty Soybean Crushing Source
 211.6210 Splash Loading
 211.6230 Stack
 211.6250 Stain Coating
 211.6270 Standard Conditions
 211.6290 Standard Cubic Foot (scf)
 211.6310 Start-Up
 211.6330 Stationary Emission Source
 211.6350 Stationary Emission Unit
 211.6355 Stationary Gas Turbine
 211.6360 Stationary Reciprocating Internal Combustion Engine
 211.6370 Stationary Source

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211.6390 Stationary Storage Tank
 211.6400 Stencil Coat
 211.6410 Storage Tank or Storage Vessel
 211.6430 Styrene Devolatilizer Unit
 211.6450 Styrene Recovery Unit
 211.6470 Submerged Loading Pipe
 211.6490 Substrate
 211.6510 Sulfuric Acid Mist
 211.6530 Surface Condenser
 211.6540 Surface Preparation Materials
 211.6550 Synthetic Organic Chemical or Polymer Manufacturing Plant
 211.6570 Tablet Coating Operation
 211.6580 Texture Coat
 211.6590 Thirty-Day Rolling Average
 211.6610 Three-Piece Can
 211.6620 Three or Four Stage Coating System
 211.6630 Through-the-Valve Fill
 211.6650 Tooling Resin
 211.6670 Topcoat
 211.6690 Topcoat Operation
 211.6695 Topcoat System
 211.6710 Touch-Up
 211.6720 Touch-Up Coating
 211.6730 Transfer Efficiency
 211.6750 Tread End Cementing
 211.6770 True Vapor Pressure
 211.6790 Turnaround
 211.6810 Two-Piece Can
 211.6830 Under-the-Cup Fill
 211.6850 Undertread Cementing
 211.6860 Uniform Finish Blender
 211.6870 Unregulated Safety Relief Valve
 211.6880 Vacuum Metallizing
 211.6890 Vacuum Producing System
 211.6910 Vacuum Service
 211.6930 Valves Not Externally Regulated
 211.6950 Vapor Balance System
 211.6970 Vapor Collection System
 211.6990 Vapor Control System
 211.7010 Vapor-Mounted Primary Seal
 211.7030 Vapor Recovery System
 211.7050 Vapor Suppressed Polyester Resin
 211.7070 Vinyl Coating
 211.7090 Vinyl Coating Line
 211.7110 Volatile Organic Liquid (VOL)
 211.7130 Volatile Organic Material Content (VOMC)
 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
 211.7170 Volatile Petroleum Liquid

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211.7190 Wash Coat
 211.7210 Wastewater (Oil/Water) Separator
 211.7230 Weak Nitric Acid Manufacturing Process
 211.7250 Web
 211.7270 Wholesale Purchase - Consumer
 211.7290 Wood Furniture
 211.7310 Wood Furniture Coating
 211.7330 Wood Furniture Coating Line
 211.7350 Woodworking
 211.7400 Yeast Percentage

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1977; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R87-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590,

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effective May 22, 1996; amended in R96-17 at 21 Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.2285 Feed Mill

"Feed mill" means a source or equipment at a source that produces food, including premixes, supplements and concentrates, for animal (non-human) consumption from grain, grain byproducts, or alfalfa and other ingredients, without cooking, but not including wet or dry corn mills, soybean mills, flour mills and ethanol plants.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Numbers: Proposed Action:
201.146 Amended
- 4) Statutory Authority: 415 ILCS 5/27
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this regulation may be found in the Board's opinion and order of December 19, 1996 in R96-17. The Board is proposing amendments to expand, clarify and modify the list of emission units and activities which are exempt from the State's air permitting requirements. The exemptions being added include: cafeterias, kitchens and smokehouses used for preparing food or beverages; feed mills that produce no more than 10,000 tons of feed per calendar year; equipment used for hydraulic or hydrostatic testing; and general vehicle maintenance and servicing activities conducted at a source. Exemptions which are being modified include: mobile internal combustion and jet engines, marine installation and locomotives; laboratory equipment used exclusively for chemical or physical analysis; and printing operations.
- 6) Will this proposed rule replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Policy Objectives: The policy objective of this rulemaking are those enumerated in Sections 9 and 27 of the Environmental Protection Act. The objective is to protect health or the environment from air pollution.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R96-17 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312/814-6931

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Questions regarding this proposal may be directed to Marie E. Tipsord at 312-814-4925.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business which has air emissions.

B) Reporting, bookkeeping, or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201

PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section
201.101
201.102
201.103
201.104

Other Definitions
Definitions
Abbreviations and Units
Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section
201.121
201.122
201.123
201.124
201.125
201.126

Existence of Permit No Defense
Proof of Emissions
Burden of Persuasion Regarding Exceptions
Annual Report
Severability
Repealer

SUBPART C: PROHIBITIONS

Section
201.141
201.142
201.143
201.144
201.146
201.147
201.148
201.149
201.150
201.151

Prohibition of Air Pollution
Construction Permit Required
Operating Permits for New Sources
Operating Permits for Existing Sources
Exemptions from State Permit Requirement
Former Permits
Operation Without Compliance Program and Project Completion Schedule
Operation During Malfunction, Breakdown or Startups
Circumvention
Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section
201.152
201.153
201.154
201.155
201.156

Contents of Application for Construction Permit
Incomplete Applications
Signatures
Standards for Issuance
Conditions

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201.157 Contents of Application for Operating Permit
 201.158 Incomplete Applications
 201.159 Signatures
 201.160 Standards for Issuance
 201.161 Conditions
 201.162 Duration
 201.163 Joint Construction and Operating Permits
 201.164 Design Criteria
 201.165 Hearings
 201.166 Revocation
 201.167 Revisions to Permits
 201.168 Appeals from Conditions

SUBPART E: SPECIAL PROVISIONS FOR OPERATING PERMITS FOR CERTAIN SMALLER SOURCES

Section
 201.180 Applicability
 201.181 Expiration and Renewal
 201.187 Requirement for a Revised Permit

SUBPART F: CAAPP PERMITS

Section
 201.207 Applicability
 201.208 Supplemental Information
 201.209 Emissions of Hazardous Air Pollutants
 201.210 Categories of Insignificant Activities or Emission Levels
 201.211 Application for Classification as an Insignificant Activity
 201.212 Revisions to Lists of Insignificant Activities or Emission Levels

SUBPART G: EXPERIMENTAL PERMITS (RESERVED)

SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION SCHEDULES

Section
 201.241 Contents of Compliance Program
 201.242 Contents of Project Completion Schedule
 201.243 Standards for Approval
 201.244 Revisions
 201.245 Effects of Approval
 201.246 Records and Reports
 201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section

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201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
 201.263 Records and Reports
 201.264 Continued Operation or Startup Prior to Granting of Operating Permit
 201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section
 201.281 Permit Monitoring Equipment Requirements
 201.282 Testing
 201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

Section
 201.301 Records
 201.302 Reports

SUBPART L: CONTINUOUS MONITORING

Section
 201.401 Continuous Monitoring Requirements
 201.402 Alternative Monitoring
 201.403 Exempt Sources
 201.404 Monitoring System Malfunction
 201.405 Excess Emission Reporting
 201.406 Data Reduction
 201.407 Retention of Information
 201.408 Compliance Schedules

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

APPENDIX C Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended

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in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. _____, effective _____.

Section 201.146 Exemptions from State Permit Requirement

Construction or operating permits, pursuant to Sections 201.142, 201.143 and 201.144 of this Part, are not ~~No~~ permit is required for the following classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements, including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act. Sections 165, 173 and 502 of the Clean Air Act or any other applicable permit or registration requirements.

- a) Air contaminant detectors or recorders, combustion controllers or combustion shutoffs;
- b) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- c) Each fuel ~~fuel~~ burning emission unit ~~sources~~ for indirect systems and for heating and reheating furnace systems used exclusively for residential or commercial establishments using gas and/or fuel oil exclusively with a design heat input ~~total~~ capacity of less than 14.6 MW (50 mmBtu/hr), except that a permit shall be required for any such emission unit with a design heat input capacity of at least 10 mmBtu/hr that was constructed, reconstructed, or modified after June 9, 1989, and which is subject to 40 CFR 60, Subpart D-input;
- d) Each ~~fuel~~ burning emission unit ~~sources~~ other than those listed in subsection (c) of this Section for direct systems used for comfort heating purposes and indirect heating systems with a design heat input ~~total~~ capacity of less than 2930 293 kW (10 + mmBtu/hr) input;
- e) Internal combustion engines or boilers (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lifttrucks, and other vehicles powered by nonroad engines ~~Mobite--internal--combustion and-jet-engines--marine--installation-and-tocomotives;~~
- f) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases ~~laboratory--equipment--used--exclusively--for--chemical--or--physical analysis;~~
- g) Coating ~~Painting~~ operations located at a source using not in excess of 18,925 l (5,000 gal) of coating ~~paint~~ (including thinner) per year;
- h) Any emission unit ~~source~~ acquired exclusively for domestic use, except that a permit shall be required for any incinerator and for any fuel combustion emission unit ~~burning-emission-source~~ using solid fuel with a design heat input ~~total~~ capacity of 14.6 MW (50 mmBtu/hr) input or

more;

- i) Any stationary ~~Stationary~~ internal combustion engine engines with a rated power output of less than 1118 kW (1500 horsepower), except that a permit shall be required for any stationary gas turbine engine with a rated heat input at peak load of 10.7 gigajoules/hr (10 mmBtu/hr) or more that is constructed, reconstructed, or modified after October 3, 1977, and which is subject to requirements of 40 CFR 60, Subpart GG;
- j) Rest room facilities and associated cleanup operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps ~~Stacks-or-vents-used-to-prevent-the-escape-of--sewer--gases--through plumbing-traps;~~
- k) Safety devices designed to protect life and limb, provided that a permit is not otherwise required for the emission unit with which the safety device is ~~devices~~ associated with ~~an-emission-source-shall-be included-within-the-permit-for-such-emission-source;~~
- l) Storage tanks for liquids for retail dispensing except for storage tanks located ~~at--gasoline-dispensing-facilities~~ that are subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);
- m) Printing operations with aggregate organic solvent usage that never exceeds 2,839 l (750 gal) per year from all printing lines at the source, including organic solvent from inks, diluents, fountain solutions, and cleaning materials ~~All-printing-operations--using--less than-2039-l--(750-gal)--of-organic-solvents--per-year;~~
- n) Storage tanks of organic liquids with a capacity of less than 19,925 l (5000 gal) except for storage tanks located ~~at--gasoline-dispensing facilities--that--are-subject-to-the-requirements-of-35-III-Adm--Code 215-583;~~
 - 1) Organic liquids with a capacity of less than 37,850 l (10,000 gal), provided that the storage tank is not used to store any material listed as a hazardous air pollutant pursuant to Section 112(b) of the Clean Air Act, and provided the storage tank is not subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);
 - 2) Any size containing exclusively soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials; or
 - 3) Any size containing virgin or re-refined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil, or residual fuel oils.
- o) Threaded ~~Flanged--and--threaded~~ pipe connections, vessel manways, flanges, valves, pump seals, pressure relief valves, pressure relief devices and pumps ~~and-process-valves-capable-of-discharging-specified air-contaminants-to-the-atmosphere;~~
- p) Sampling connections used exclusively to withdraw materials for laboratory testing and analyses;

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- q) All storage tanks of Illinois crude oil with capacity of less than 151,400 l (40,000 gal) located on oil field sites;
- r) All organic material-water single or multiple compartment effluent water separator facilities for Illinois crude oil of vapor pressure of less than 34.5 kPa absolute (5 psia);
- s) Grain-handling operations, exclusive of grain-drying operations, with an annual grain throughput not exceeding 300,000 bushels;
- t) Grain-drying operations with a total grain-drying capacity not exceeding 750 bushels per hour for 5% moisture extraction at manufacturer's rated capacity, using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers;
- u) Portable grain-handling equipment and one-turn storage space;
- v) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceed 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);
- w) Coin-operated dry cleaning operations; and
- x) Dry cleaning operations at a source that consumes facilities-consuming less than 30 gallons per month (360-gallons-per-year) or perchloroethylene;
- y) Brazing, soldering, wave soldering or welding equipment, including associated ventilation hoods;
- z) Cafeterias, kitchens, and other similar facilities, including smokehouses, used for preparing food or beverages, but not including facilities used in the manufacturing and wholesale distribution of food, beverages, food or beverage products, or food or beverage components;
- aa) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, wood or wood products, where such equipment is either:
- 1) Used for maintenance activity;
 - 2) Manually operated;
 - 3) Exhausted inside a building; or
 - 4) Vented externally with emissions controlled by an appropriately operated cyclonic inertial separator (cyclone), filter, electro-static precipitator or a scrubber.
- bb) Feed mills that produce no more than 10,000 tons of feed per calendar year, provided that a permit is not otherwise required for the source pursuant to Section 201.142, 201.143 or 201.144;
- cc) Extruders used for the extrusion of metals, minerals, plastics, rubber or wood excluding:
- 1) Extruders used in the manufacture of polymers;
 - 2) Extruders using foaming agents or release agents that contain volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act; and

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- 3) Extruders processing scrap material that was produced using foaming agents containing volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act.
- dd) Furnaces used for melting metals, other than beryllium, with a brim full capacity of less than 450 cubic inches by volume;
- ee) Equipment used for the melting or application of less than 22,767 kg/yr (50,000 lbs/yr) of wax to which no organic solvent has been added;
- ff) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- gg) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- hh) Equipment used for the mixing and blending of materials at ambient temperatures to make water based adhesives, provided each material mixed or blended contains less than 5% organic solvent by weight;
- ii) Die casting machines where a metal or plastic is formed under pressure in a die located at a source with a throughput of less than 2,000,000 lbs of metal or plastic per year, in the aggregate, from all die casting machines;
- jj) Air pollution control devices used exclusively with other equipment that is exempt from permitting, as provided in this Section;
- kk) An emission unit for which a registration system designed to identify sources and emission units subject to emission control requirements is in place, such as the registration system found at 35 Ill. Adm. Code 218.586 (Gasoline Dispensing Operations - Motor Vehicle Fueling Operations) and 35 Ill. Adm. Code 218, Subpart HH (Motor Vehicle Refinishing);
- ll) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;
- mm) Equipment used for hydraulic or hydrostatic testing;
- nn) General vehicle maintenance and servicing activities conducted at a source, motor vehicle repair shops, and motor vehicle body shops, but not including:
- 1) Gasoline fuel handling; and
 - 2) Motor vehicle refinishing.
- oo) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing provided no organic solvent has been added to the water;
- pp) Administrative activities including, but not limited to, paper

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shredding, copying, photographic activities, and blueprinting machines. This does not include incinerators:

qq) Laundry dryers, extractors, and tumblers processing items that have been cleaned with water solutions of bleach or detergents that are:

- 1) Located at a source and process clothing, bedding, and other fabric items used at the source provided that any organic solvent present in such items before processing that is retained from cleanup operations shall be addressed as part of the VOM emissions from use of cleaning materials;

- 2) Located at a commercial laundry; or

- 3) Coin operated.

rr) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;

ss) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;

tt) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;

uu) Piping and storage systems for natural gas, propane, and liquefied petroleum gas;

vv) Water treatment or storage systems, as follows:

- 1) Systems for potable water or boiler feedwater;

- 2) Systems, including cooling towers, for process water provided that such water has not been in direct or indirect contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to Section 112(b) of the Clean Air Act.

ww) Lawn care, landscape maintenance, and grounds keeping activities;

xx) Containers, reservoirs, or tanks used exclusively in dipping operations to coat objects with oils, waxes or greases, provided no organic solvent has been mixed with such materials;

yy) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 U.S.C. 1261 et. seq.), where the product is used at a source in the same manner as normal consumer use;

zz) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;

aaa) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;

bbb) Storage and handling of drums or other transportable containers, where the containers are sealed during storage and handling;

ccc) Activities at a source associated with the maintenance, repair, or

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dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup;

ddd) Equipment used for corona arc discharge surface treatment of plastic with a power rating of 5 kW or less or equipped with an ozone destruction device;

see) Equipment used to seal or cut plastic bags for commercial, industrial or domestic use; and

fff) Each direct-fired gas dryer used for a washing, cleaning, coating or printing line excluding:

- 1) Dryers with a rated heat input capacity of 2930 kW (10 mmbtu/hr) or more; and

- 2) Dryers for which emissions other than those attributable to combustion of fuel in the dryer including emissions attributable to use or application of cleaning agents, washing materials, coatings or inks or other process materials that contain volatile organic material are not addressed as part of the permitting of such line, if a permit is otherwise required for the line.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Services2) Code Citation: 89 Ill. Adm. Code 5903) Section Numbers:
590.470 Proposed Action:
Amendments4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]5) A Complete Description of the Subjects and Issues Involved: New subsection (b) has been added to clarify that any equipment provided for a customer's use must be vocationally related. Further, if a customer needs equipment, he/she must be able to proficiently use the equipment prior to the time it may be purchased. If the customer does not have proficiency in the use of the equipment, DORS shall provide the necessary training to the customer.

Further, the rulemaking adds additional requirements which must be met to purchase a personal computer and/or any related items for a customer.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
590.720	Amendments	20 Ill. Reg. 3071
		February 16, 1996

10) Statement of Statewide Policy Objectives: This is not applicable to this rulemaking.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429
 Telephone number: (217) 785-3896

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TTD/TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: None.B) Reporting, bookkeeping or other procedures required for compliance: None.C) Types of professional skills necessary for compliance: None.13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section

590.10 General Applicability
 590.20 Availability of Services
 590.30 Effect of Financial Status on Services
 590.35 Effect of Comparable Benefits
 590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section

590.50 Provision of Services
 590.60 Qualification of Medical and Psychological Service Providers
 590.70 Treatment of Acute Conditions
 590.80 Medication and Treatment
 590.90 Hearing Aids
 590.100 Binaural Hearing Aids
 590.110 Speech and Language Services
 590.120 Low Vision Aids
 590.130 Mental Restoration Services
 590.140 Heart Surgeries
 590.150 Kidney Transplant and Related Services
 590.160 Chiropractic Services
 590.170 Prosthetic and Orthotic Device
 590.180 Wheelchairs
 590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section

590.200 Provision of Services
 590.210 Qualification of Training Facilities/Institutions
 590.220 Purpose and Types of Training
 590.230 Financial Guidelines for Training Services
 590.240 Graduate School Training
 590.250 Choice of Training Facility/Institution
 590.260 Summer School
 590.270 Grades
 590.280 Health Status
 590.290 On-the-Job Training

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NOTICE OF PROPOSED AMENDMENT

590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services
 590.320 Self-Employment Program
 590.330 Services/Goods not Available
 590.340 Bidding Requirements
 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
 590.360 Transfer of Title
 590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services
 590.380 Vendor Requirements
 590.390 Bidding Requirements
 590.400 Vehicle Adaptation
 590.410 DORS Financial Participation in Van Adaptation
 590.420 Environmental Modification
 590.430 Written Agreements for Environmental Modification
 590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services
 590.460 Types of Services
 590.470 Services/Equipment
 590.480 Qualifications for Services Provided by Individuals
 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services (Repealed)
 590.510 Definitions (Repealed)
 590.520 Purpose of Equipment Loans (Repealed)
 590.530 Criteria for Loan of Equipment/Aids (Repealed)
 590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
 590.550 Duration of Loans (Repealed)
 590.560 Maintenance and Return of Equipment/Aids (Repealed)
 590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
 590.580 Limitations on Available Equipment/Aids (Repealed)

DEPARTMENT OF REHABILITATION SERVICES

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SUBPART H: OTHER SERVICES

Section

590.590 Provision of Services
 590.600 Transportation and Temporary Lodging
 590.610 Other Goods and Services
 590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

590.630 Provision of Placement Services
 590.640 Description of Services

SUBPART J: MAINTENANCE

Section

590.650 Provision of Services
 590.660 Definitions
 590.670 Determination of the Need for Maintenance
 590.675 Determination of Client Financial Participation in Maintenance
 590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

Section

590.700 Provision of Services
 590.710 Definitions
 590.720 Scope of Services

SUBPART L: TRANSITION

Section

590.730 Provision of Services
 590.740 Definitions
 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375,

DEPARTMENT OF REHABILITATION SERVICES

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effective July 19, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section 590.470 Services/Equipment

- a) DORS shall provide such services to the customer as determined necessary as a result of the Extended Evaluation (89 Ill. Adm. Code 553.80) and/or Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) for the completion of his/her employment objective as described in his/her IWRP (89 Ill. Adm. Code 572).
 b) All equipment provided for a customer's use must be vocationally related and is not to be provided for non-vocational or personal use. Further, the equipment to be provided must be required for the customer to attain his/her vocational goal and the customer must be able to demonstrate his/her proficiency in the use of the equipment prior to the time the equipment may be provided to the customer. However, if the customer does not have the required skills and training to use the equipment, the customer and DORS will arrange the necessary training to attain the necessary basic skills to properly utilize the equipment. If after training, the customer cannot demonstrate proficiency in the use of the equipment, the equipment may not be provided.

- c) Personal computers (PCs) and related hardware and software will be purchased for customers in training programs only when necessary for the customer to complete his/her training program. Necessity must be proven by the customer and documented by the rehabilitation counselor/instructor in the case file based on:

- 1) his/her inability to use existing facilities at the training site;

- 2) the requirement for the PC to complete the training program.

- d) Services provided by an individual (i.e., interpreter for the deaf, notetaker, reader, PA services) under this Subpart shall continue until the completion of the customer's IWRP and attainment of a successful employment outcome and as determined necessary by the customer and counselor.

- e) DORS shall retain title to any equipment purchased for use by a customer. Prior to the purchase of any equipment for customer use, the customer must agree to maintain the equipment in proper working order and condition, agree to insure the equipment against loss, agree to replace the equipment if a loss occurs, and agree to return the equipment to DORS at any time the customer has no further use for the equipment or is otherwise not using the equipment for the purpose for which it was purchased. In the event a customer feels believes repairs to the equipment are either cost prohibitive or not beneficial in terms of useful life of the equipment, he/she may request assistance from DORS in obtaining necessary equipment

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DEPARTMENT OF REHABILITATION SERVICES

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT(S)

repair/replacement.

Find The customer may retain the equipment even after he/she has successfully attained his/her vocational goal and his/her case has been closed, pursuant to 89 Ill. Adm. Code 617, as long as he/she is using the equipment for the purpose for which it was originally purchased.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers: 1540.340
Proposed Action: New Section
- 4) Statutory Authority: 40 ILCS 5/1-116 and 5/14-135.03
- 5) A Complete Description of the Subjects and Issues Involved:

On August 20, 1996, President Clinton signed into law the "Small Business Job Protection Act of 1996" (HR3448). Included in this Act were extensive amendments to the Internal Revenue Code which affect public employee pension plans throughout the country.

The primary changes affecting the State Employees' Retirement System of Illinois pertain to Section 415 of the Internal Revenue Code concerning maximum benefit payments from a qualified plan. Prior to passage of the legislation, Section 415 (b) limited the maximum benefit payable from a qualified plan to the lesser of 100% of final three year average compensation or \$125,000 for tax year 1997. The \$125,000 level is actuarially reduced for retirement ages below 62. The 100% of compensation level does not include: 1) tax sheltered life and health insurance contributions; 2) contributions to Section 457 Deferred Compensation Plans; or 3) mandatory employee contributions tax sheltered under Section 414(h)(2) of the Code.

The Small Business Job Protection Act of 1996 amended section 415 to: 1) Repeal the 100% of compensation limit; and 2) Authorize the establishment of excess benefit arrangements for governmental plans.

This emergency amendment implements the excess benefit arrangement effective 1-1-97 and defines the scope of benefits to be paid, the limitation year, the funding arrangement, and the manner in which the assets shall be held. Basically to prevent adverse tax consequences to the member, the program will be funded on a pay-as-you-go basis and the assets will be subject to the general creditors of the State. A small cash reserve, which will be held in a separate fund in the State Treasury, will be maintained to pay current benefits.

- 6) Will this proposed rule replace an emergency rule currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: None
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted in writing within 45 days after the proposed rules are published in the Illinois Register and should be directed to:
- Michael L. Mory, Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255 - 2101 South Veterans Parkway
Springfield, Illinois 62794-9255
Telephone: 1-217-785-7444

- 12) Initial Regulatory Flexibility Analysis: None

A) Types of small businesses, small municipalities and not for profit corporations affected: N/A

B) Reporting, bookkeeping or other procedures required for compliance: N/A

C) Types of professional skills necessary for compliance: N/A

- 13) Regulatory Agenda which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This amendment was filed as an emergency rule.

The full text of the Proposed Amendment appears as an emergency amendment in this issue of the Register on page 178.

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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Numbers: Proposed Action:
1650.2900 New Section
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code [26 U.S.C. 1, et seq.]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and 40 ILCS 5/1-116.
- 5) A Complete Description of the Subjects and Issues Involved: On August 20, 1996, President Clinton signed into law the "Small Business Job Protection Act of 1996" (HR 3448). Included in this Act were extensive amendments to the Internal Revenue Code which affect public employee pension plans throughout the country.
- The primary changes affecting the Teachers' Retirement System pertain to Section 415 of the Internal Revenue Code concerning maximum benefit payments from a qualified plan. Prior to passage of the legislation, Section 415(b) limited the maximum benefit payable from a qualified plan to the lesser of 100% of final three year average compensation or \$125,000 for tax year 1997. The \$125,000 level is actuarially reduced for retirement ages below 62.

The provisions of the Small Business Job Protection Act of 1996 amended Section 415 to: (1) repeal the 100% of compensation limit; and (2) authorize the establishment of excess benefit arrangements for governmental plans.

This emergency amendment implements the excess benefit arrangement effective January 1, 1997 and defines the scope of benefits to be paid, the limitation year, the funding arrangement, and the manner in which the assets shall be held. Basically, to prevent adverse tax consequences to the member, the program will be funded on a pay-as-you-go basis and the assets will be subject to the general creditors of the State. A small cash reserve, which will be held in a separate fund in the State Treasury, will be maintained to pay current benefits.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No

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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT

9) Are there any other proposed amendments pending on this Part? Yes

10) Statement of Statewide Policy Objectives: Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Carl Mowery, General Counsel
Erin Smith, Legal Assistant
Teachers' Retirement System
2815 West Washington, P. O. Box 19253
Springfield, Illinois 62794-9253
(217) 753-0961

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

A) Types of small businesses, small municipalities and not for profit corporations affected: Not Applicable

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was filed as an emergency rule.

The full text of the Proposed Amendment is identical to the text of the emergency appearing on page 485

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Effluent Standards

2) Code Citation: 35 Ill. Adm. Code 304

3) Section Numbers: Adopted Action:
304.122 Amend
304.301 Repeal

4) Statutory Authority: 415 ILCS 5/13 and 27

5) Effective Date of Rulemaking: December 23, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 19, 1996

9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 10760, August 16, 1996

10) Has JCER issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCER been made as indicated in the agreement letter issued by JCER? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: These amendments are part of the Illinois Environmental Protection Agency's (Agency) Triennial Review. The amendments revise the Board's General Use Water Quality Standards for ammonia nitrogen. The amendments reorganize that portion of the Board's effluent regulations that provide for exception from the prohibition against causing or contributing to a violation of the ammonia water quality standards. The existing exception procedure at 35 Ill. Adm. Code 304.301 is repealed, and new subsections 304.122(c) and (d) are added.

Pursuant to 415 ILCS 5/28.2(e), the Illinois Environmental Protection Agency has certified that the revisions to the Water Quality Standards are federally required. These amendments also provide a directive to the Agency controlling the application of the amended rules to dischargers required to have a National Pollutant Discharge Elimination System (NPDES) permit. The Agency is required to set effluent discharge limits at existing amounts (with an allowance for growth), and when the Agency

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POLLUTION CONTROL BOARD

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determines according to specified factors that the receiving water body has been modified by effluents, the Agency is required to establish effluent permit limits no lower than specified amounts.

A more detailed description of the amendments can be found in the Board's opinion in Docket R94-1(B) of December 19, 1996 which is available from the Board.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Diane F. O'Neill, Attorney
Address: Illinois Pollution Control Board
100 West Randolph 11-500
Chicago, Illinois 60601
Telephone: (312) 814-6062

Requests for copies of the December 19, 1996 opinion should be addressed to Clerk of the Board at the above address and should reference Docket R94-1(B).

The full text of the Adopted Amendment begins on the next page:

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges
304.213	UNO-VEN Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges

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- 304.2216 Newton Station Suspended Solids Discharges
 304.2218 City of Pana Phosphorus Discharge
 304.2219 North Shore Sanitary District Phosphorus Discharges
 304.2220 East St. Louis Treatment Facility, Illinois-American Water Company
 304.2221 Ringwood Drive Manufacturing Facility in McHenry County
 304.2222 Intermittent Discharge of TRC

SUBPART C: TEMPORARY EFFLUENT STANDARDS

- Section
 304.301 Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
 304.302 City of Joliet East Side Wastewater Treatment Plant
 304.303 Amerock Corporation, Rockford Facility

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, P. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 811, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May

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31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3526, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective DEC 23 1994.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

SUBPART A: GENERAL EFFLUENT STANDARDS

Section 304.122 Total Ammonia Nitrogen (as N: STORET number 00610)

- a) No effluent from any source which discharges to the Illinois River, the Des Plaines River downstream of its confluence with the Chicago River System or the Calumet River System, and whose untreated waste load is 50,000 or more population equivalents shall contain more than 2.5 mg/L of total ammonia nitrogen as N during the months of April through October, or 4 mg/L at other times.
- b) Sources discharging to any of the above waters and whose untreated waste load cannot be computed on a population equivalent basis comparable to that used for municipal waste treatment plants and whose total ammonia nitrogen as N discharge exceeds 45.4 kg/day (100 pounds per day) shall not discharge an effluent of more than 3.0 mg/L of total ammonia nitrogen as N.
- c) In addition to the effluent standards set forth in subsections (a) and (b) of this Section, all sources are subject to Section 304.105 unless the Agency determines as part of the NPDES Permit Program under 35 Ill. Adm. Code 309: Subpart A that alternate effluent standards are applicable pursuant to subsection (d) of this Section.
- d) All dischargers to effluent modified waters as defined at 35 Ill. Adm. Code 302.213, except for treatment works qualifying under Section 304.120(c), shall have an effective NPDES permit with monthly average effluent limits of 1.5 mg/L total ammonia as N during the months of April through October, and 4.0 mg/L total ammonia as N at other times, as well as the following restrictions:
- 1) Dischargers achieving lower ammonia concentrations than given above, yet not meeting the chronic water quality standards of 35 Ill. Adm. Code 302.212(b), shall maintain their existing level of performance consistent with the facility's expected organic and hydraulic loadings for the duration of their NPDES permit.
 - 2) New or expanded discharges that increase ammonia loading to general use waters and/or create effluent modified waters or portions of waters must demonstrate compliance to the Agency with the nondegradation requirements at 35 Ill. Adm. Code 302.105.

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(Source: Amended at 21 Ill. Reg. effective
DEC 24 1996 364)

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section 304.301 Exception for Ammonia Nitrogen Water Quality Violations
(Repealed)

- a) Section 304.105 shall not apply to 35-iii-Adm-Code-302.212--for--any source during the months of November through March, except that during the months of November through March no source shall discharge an effluent containing a concentration of ammonia nitrogen greater than 4.0 mg/l if the discharge is alone or in combination with other discharges, causes or contributes to a violation of 35-iii-Adm-Code 302.212.
- b) Compliance with the provisions of subsection (a) shall be achieved by March 31, 1979, or such other date as required by NPDES permit or as ordered by the Board under title VIII or title IX of the Environmental Protection Act.
- c) After July 1, 1991, the exemptions provided in this Section shall terminate.

(Source: Repealed at 21 Ill. Reg. effective
DEC 24 1996 364)

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- 1) Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3) Section Numbers: Adopted Action:
302.202 Amend
302.212 Amend
302.213 New Section
- 4) Statutory Authority: 415 ILCS 5/13 and 27
- 5) Effective Date of Rulemaking: December 23, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 19, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 10539, August 9, 1996
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In Section 302.202, moved "[except as provided in Section 302.213]" to after "aquatic life."
In Section 302.212(d) added) after "mg/L as N" and deleted) after "Section".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments are part of the Illinois Environmental Protection Agency's (Agency) Triennial Review. The proposed amendments revise the Board's General Use Water Quality Standards for ammonia nitrogen. The Board, in agreement with the Agency's recommendations, reconstitutes much of Section 302.212 for the purposes of adding clarity to the Section and of incorporating up-dated information on the effects of pH and temperature on ammonia toxicity. The newly adopted Section 302.213 defines and gives the Agency authority to identify Effluent Modified Waters (EMW). An EMW consists of waters downstream from an effluent outfall that have the potential to exceed the chronic standard (CS) for ammonia.

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Pursuant to 415 ILCS 5/28.2(e), the Agency has certified that the proposed revisions to the Water Quality Standards are federally required. These amendments also provide a directive to the Agency controlling the application of the amended rules to dischargers required to have a National Pollutant Discharge Elimination System (NPDES) permit. The Agency is required to set effluent discharge limits at existing amounts (with an allowance for growth), and when the Agency determines according to specified factors that the receiving water body has been modified by effluents, the Agency is required to establish effluent permit limits no lower than specified amounts.

A more detailed description of the amendments can be found in the Board's opinion in Docket R94-1(B) of December 19, 1996 which is available from the Board.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Diane F. O'Neill, Attorney
Address: Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
Telephone: 312-814-6062

Requests for copies of the December 19, 1996 opinion shall be addressed to the Clerk of the Board at the above address and should reference Docket R94-1(B).

The full text of the Adopted Amendment begins on the next page:

Section
302.100 Definitions
302.101 Scope and Applicability
302.102 Allowed Mixing, Mixing Zones and ZIDs
302.103 Stream Flows
302.104 Main River Temperatures
302.105 Nondegradation

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section
302.201 Scope and Applicability
302.202 Purpose
302.203 Offensive Conditions
302.204 pH
302.205 Phosphorus
302.206 Dissolved Oxygen
302.207 Radioactivity
302.208 Numeric Standards for Chemical Constituents
302.209 Fecal Coliform
302.210 Other Toxic Substances
302.211 Temperature
302.212 Ammonia Nitrogen and Un-ionized Ammonia
302.213 Effluent Modified Waters (Ammonia)

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section
302.301 Scope and Applicability
302.302 Algicide Permits
302.303 Finished Water Standards
302.304 Chemical Constituents
302.305 Other Contaminants
302.306 Fecal Coliform

SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

Section
302.401 Scope and Applicability

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 302
WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

POLLUTION CONTROL BOARD

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302.402 Purpose
302.403 Unnatural Sludge
302.404 pH
302.405 Dissolved Oxygen
302.406 Fecal Coliform (Repealed)
302.407 Chemical Constituents
302.408 Temperature
302.409 Cyanide
302.410 Substances Toxic to Aquatic Life

SUBPART E: LAKE MICHIGAN WATER QUALITY STANDARDS

Section
302.501 Scope and Applicability
302.502 Dissolved Oxygen
302.503 pH
302.504 Chemical Constituents
302.505 Fecal Coliform
302.506 Temperature
302.507 Existing Sources on January 1, 1971
302.508 Sources Under Construction But Not in Operation on January 1, 1971
302.509 Other Sources

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

Section
302.601 Scope and Applicability
302.603 Definitions
302.604 Mathematical Abbreviations
302.606 Data Requirements
302.612 Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures
302.615 Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry
302.618 Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry
302.621 Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances
302.627 Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures
302.630 Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances
302.633 The Wild and Domestic Animal Protection Criterion
302.642 The Human Threshold Criterion
302.645 Determining the Acceptable Daily Intake
302.648 Determining the Human Threshold Criterion
302.651 The Human Nonthreshold Criterion
302.654 Determining the Risk Associated Intake

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302.657 Determining the Human Nonthreshold Criterion
302.658 Stream Flow for Application of Human Nonthreshold Criterion
302.660 Bioconcentration Factor
302.663 Determination of Bioconcentration Factor
302.666 Utilizing the Bioconcentration Factor
302.669 Listing of Derived Criteria

APPENDIX A References to Previous Rules
APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended at R94-1(B) at 21 Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act, as of July 1, 1994.

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.202 Purpose

The general use standards will protect the State's water for aquatic life [except as provided in Section 302.213], wildlife, agricultural use, secondary contact use and most industrial uses and ensure the aesthetic quality of the State's aquatic environment. Primary contact uses are protected for all general use waters whose physical configuration permits such use.

(Source: Amended at 21 Ill. Reg. _____, effective _____, DEC 2 1996 370.)

Section 302.212 Total Ammonia Nitrogen and Un-ionized Ammonia

- a) Total ammonia ammonia nitrogen (as N: STORET Stotret Number 00610 31616) shall in no case exceed 15 mg/Lt.
b) if--ammonia-nitrogen-is-less-than-15-mg/l-and-greater-than-or-equal-to

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- b) 1.5-mg/l then un-ionized ammonia (as N) shall not exceed 0.04-mg/l un-ionized ammonia nitrogen (as N: STORET Number 00612) shall not exceed the acute and chronic standards given below subject to the provisions of Section 302.208(a) and (b), and Section 302.213 of this Part.

- 1) From April through October, the Acute Standard (AS) shall be 0.33 mg/L and the Chronic Standard (CS) shall be 0.057 mg/L .
- 2) From November through March, the AS shall be 0.14 mg/L and the CS shall be 0.025 mg/L .

- c) Ammonia-nitrogen concentrations of less than 1.5-mg/l are lawful regardless of un-ionized ammonia concentration.
- d) For purposes of this Section, section the concentration of un-ionized ammonia nitrogen as N and total ammonia nitrogen as N shall be computed according to the following equations equation:

$$U = \frac{N}{[0.94412(1 + 10^{\text{superscript } x}) + 0.0559]}$$

and

$$N = U [0.94412(1 + 10^{\text{superscript } x}) + 0.0559]$$

$$\text{where: } X = 0.09018 + \frac{2729.92}{(T + 273.16)} - \text{pH}$$

$$U = \frac{N}{[0.94412(1 + 10^{\text{superscript } x}) + 0.0559]} \quad \text{where: } x = \frac{2729.92}{(T + 273.16)} - \text{pH}$$

U = Concentration of un-ionized ammonia as N in mg/L

N = Concentration of ammonia nitrogen as N in mg/L

T = Temperature in degrees Celsius

- d) The following tables indicate table indicates the maximum total ammonia nitrogen concentrations (mg/L as N) allowable pursuant to subsections (a) and (b) of this Section for certain combinations of pH and temperature:

AMMONIA-NITROGEN
WATER-QUALITY-STANDARD-(mg/l)
pH

TEMP-
A-E(a-P)
6-0 6-5 7-0 7-5 8-0 8-5 9-0
=====

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5-(41)	15	15	15	9-6	3-1	1-5	1-5
10-(50)	15	15	15	6-5	2-1	1-5	1-5
15-(59)	15	15	15	4-4	1-5	1-5	1-5
20-(60)	15	15	15	3-1	1-5	1-5	1-5
25-(77)	15	15	15	2-1	1-5	1-5	1-5
30-(86)	15	15	15	1-5	1-5	1-5	1-5
35-(95)	15	15	15	1-5	1-5	1-5	1-5

1) Summer (April through October) Acute un-ionized ammonia 0.33 mg/L

pH	6.5	7.0	7.5	7.75	8.0	8.25	8.5	9.0
°F	°C							
55	12.8	15.0	15.0	15.0	13.8	7.9	4.6	1.7
60	15.6	15.0	15.0	15.0	11.2	6.5	3.8	1.4
65	18.3	15.0	15.0	15.0	9.8	5.3	3.1	1.2
70	21.1	15.0	15.0	15.0	7.6	4.4	2.6	1.1
75	23.9	15.0	15.0	15.0	6.3	3.7	2.2	0.9
80	26.7	15.0	15.0	15.0	5.2	3.1	1.9	0.8
85	29.4	15.0	15.0	13.1	4.4	2.6	1.6	0.7
90	32.2	15.0	15.0	10.9	3.7	2.2	1.4	0.7

2) Summer (April through October) Chronic un-ionized ammonia 0.057 mg/L

pH	6.5	7.0	7.5	7.75	8.0	8.25	8.5	9.0
°F	°C							
55	12.8	15.0	15.0	15.0	4.2	2.4	1.4	0.8
60	15.6	15.0	15.0	15.0	3.4	1.9	1.1	0.7
65	18.3	15.0	15.0	15.0	2.8	1.6	0.9	0.5
70	21.1	15.0	12.6	4.0	2.3	1.3	0.8	0.5
75	23.9	15.0	10.3	3.3	1.9	1.1	0.6	0.4
80	26.7	15.0	8.6	2.7	1.6	0.9	0.5	0.3
85	29.4	15.0	7.8	2.3	1.3	0.8	0.4	0.3
90	32.2	15.0	5.8	1.9	1.1	0.6	0.4	0.2

3) Winter (November through March) Acute un-ionized ammonia 0.14 mg/L

pH	6.5	7.0	7.5	7.75	8.0	8.25	8.5	9.0
°F	°C							
32	0.0	15.0	15.0	15.0	15.0	9.2	5.2	1.7
35	1.7	15.0	15.0	15.0	14.1	8.0	4.5	1.5
40	4.4	15.0	15.0	15.0	11.3	6.4	3.7	1.3
45	7.2	15.0	15.0	15.0	9.0	5.1	2.9	1.0

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50	10.0	15.0	15.0	15.0	12.8	7.3	4.1	2.4	0.9
55	12.8	15.0	15.0	15.0	10.3	5.9	3.4	2.0	0.7
60	15.6	15.0	15.0	14.8	8.4	4.8	2.7	1.6	0.6

4) Winter (November through March) Chronic un-ionized ammonia 0.025 mg/L

	pH	6.5	7.0	7.5	7.75	8.0	8.25	8.5	9.0
	°F								
	°C								
32	0.0	15.0	15.0	9.1	5.1	2.9	1.6	0.9	0.3
35	1.7	15.0	15.0	7.9	4.4	2.5	1.4	0.8	0.3
40	4.4	15.0	15.0	6.3	3.6	2.0	1.1	0.7	0.2
45	7.2	15.0	15.0	5.0	2.8	1.6	0.9	0.5	0.2
50	10.0	15.0	12.7	4.0	2.3	1.3	0.7	0.4	0.2
55	12.8	15.0	10.2	3.3	1.8	1.0	0.6	0.3	0.1
60	15.6	15.0	8.3	2.6	1.5	0.9	0.5	0.3	0.1

(Source: Amended at 21 Ill. Reg. 376, effective

DEC 24 1997

Section 302.213 Effluent Modified Waters (Ammonia)

a) Effluent modified waters are those waters or portions of waters that the Agency has determined, pursuant to 35 Ill. Adm. Code 309: Subpart A, to have the potential to exceed, and are therefore not subject to, the chronic ammonia standards of Section 302.212(b) downstream of an effluent outfall and outside of any allowable mixing zone. The Agency shall not identify a waterbody as an effluent modified water if it:

1) has uses known to be adversely impacted by ammonia as designated under 35 Ill. Adm. Code 303.201 outside of any allowable mixing zone; or

2) exceeds the acute standard of Section 302.212(b) of this Part.

b) All effluent discharges to an effluent modified water must meet the requirements of 35 Ill. Adm. Code 304.122(d) prior to dilution with the receiving water.

(Source: Added at 21 Ill. Reg. 376, effective
DEC 24 1997)

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- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Section Numbers: Adopted Action:
 1220.110 Amendment
 1220.120 Amendment
 1220.130 Amendment
 1220.155 Amendment
 1220.231 Amendment
 1220.240 Amendment
 1220.310 Amendment
 1220.405 New Section
 1220.Appendix C Amendment

4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]

5) Effective Date of Amendments: December 20, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 20, 1996

9) Date Notice of Proposal Published in Illinois Register: May 17, 1996, at 20 Ill. Reg. 6638

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Difference(s) between proposal and final version: In Section 1220.130(b)(2), language was inserted to clarify that licensure candidates are not required to complete remedial education for non-patient based exercises before sitting for re-examination.

In Section 1220.240(b)(3)(D), "Such course shall have been taken within the past 5 years." was changed to read "Such course shall have been completed no earlier than December 31, 1994."

In Section 1220.APPENDIX C(A)(10), "under direction/supervision of a dentist" was deleted because the phrase is redundant.

Section 1220.405, pertaining to the reporting of adverse occurrences, was rewritten to better define "adverse occurrence" and to clarify reporting requirements. The new language in this Section states that the filing of an adverse occurrence report shall not constitute an admission by the dentist of any wrongdoing, malpractice, error or omission in treatment or even an admission that the death, organic brain dysfunction or

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hospitalization is related to the dental procedure or its administration. Style, organization, grammar and spelling changes requested by JCAR also were made.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Rules replace Emergency Rules currently in effect? No
- 14) Are there any Amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: This rulemaking contains updates to conform with the 1995 sunset rewrite of the Illinois Dental Practice Act.

Section 1220.110(d) was amended to allow an applicant who has graduated from a dental school or college outside the United States or Canada to sit for the preclinical examination if he/she is in the last 45 days of the required two years of clinical training. This puts Illinois in line with national standards.

Section 1220.120 was updated to make it consistent with the current content of the clinical examination.

Sections 1220.130(b)(2) and 1220.231(b)(1)(B) were amended to clarify examination retake and remedial dental education requirements for candidates who fail various examination exercises a second time.

Section 1220.155 was revised to conform to language in Section 11 of the Act, which changed references from "temporary teaching license" to "restricted faculty license".

Section 1220.240(b)(3)(D), pertaining to dental hygienists who are trained to monitor nitrous oxide, makes the hygienist responsible for submitting certification to the dentist that the required 12-hour course relative to nitrous oxide analgesia has been completed.

Section 1220.310(d) was amended to correct an oversight in a previous rulemaking by adding new language stating requirements for applicants who completed periodontic specialty training prior to July 1, 1994. The previous rulemaking listed requirements for periodontic specialty programs after July 1, 1994.

A new Section, 1220.405, was added to require the reporting of adverse occurrences by dentists. The new language establishes reporting requirements when death or injury results from a dental procedure.

Appendix C was amended to add a procedure permitted to be performed by dental hygienists. Dental hygienists will be permitted to utilize

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chemotherapeutic modalities subgingivally.

Numerous style and grammar changes also were made.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220

ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section	
1220.100	Application for Licensure
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.155	<u>Restricted Faculty Licenses</u> Temporary-Teaching-License
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST

Section	
1220.200	Application for Licensure
1220.210	Application for Examination
1220.220	Clinical Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination
1220.240	Permitted Duties of Dental Auxiliaries
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

SUBPART C: DENTAL SPECIALIST

Section	
1220.310	Application
1220.320	Examination
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	<u>Renewal</u> Renewal

SUBPART D: GENERAL

Section

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1220.400	Reportable Diseases and Conditions
1220.405	<u>Reporting of Adverse Occurrences</u>
1220.410	Endorsement
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section	
1220.500	Definitions
1220.510	Light Parenteral Conscious Sedation
1220.520	General Anesthesia and Deep Parenteral Conscious Sedation
1220.525	Renewal
1220.530	Anesthesia Review Panel
1220.540	Approved Programs in Anesthesiology
1220.550	Reporting of Adverse Occurrences
1220.560	Restoration of Permits

APPENDIX A	Pre-clinical Restorative Dentistry Sub-section (Repealed)
APPENDIX B	Dental Assistant Permitted Procedures
APPENDIX C	Dental Hygienist Permitted Procedures

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890,

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effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 21 Ill. Reg. _____, effective DEC 2 1995.

SUBPART A: DENTIST

Section 1220.110 Application for Examination

An applicant for examination for a license to practice dentistry in Illinois, who has graduated from a dental school or college outside the United States or Canada, shall file an application on forms supplied by the Department of Professional Regulation (the Department) at least 60 days prior to an examination date. The application shall include:

- A complete work history indicating all employment since graduation from dental school;
- Certification of graduation from a dental college or school;
- Certification that the applicant was authorized to practice in the jurisdiction in which the applicant completed dental school; and
- Certification from:
 - an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school so that the applicant meets the same level of scientific knowledge and clinical competence as all graduates from that school or college. An applicant who is in the last 45 days of the clinical training at the school shall be allowed to sit for the preclinical examination upon notification to the Department from the dean of the college that the applicant only has 45 days left in the program and the school anticipates that the applicant will finish the clinical training. Two years of clinical training means ~~shall be~~:

- A) 2850 clock hours completed in 2 academic years for full-time;
 - B) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time; or
- 2) ~~e~~ Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;

- The required fee set forth in Section 21(a)(2) of the Act; and
- Proof of successful completion of the Theoretical examination given by the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 in all subjects is required. The National Board Certificate must be mailed to the Department by the Joint Commission.

(Source: Amended at 21 Ill. Reg. _____, effective DEC 2 1995.)

Section 1220.120 Clinical Examinations

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- The examination conducted by the Department for dental licensure shall be held at least twice each year and shall be divided into two sections as set forth below. Applicants shall have passed the Theoretical examination given by the Joint Commission on National Dental Examinations before taking the Preclinical and Clinical Sections of the examination and shall have passed the Preclinical Section of the examination before taking the Clinical Sections.

- Preclinical Examination - In order to be successful, a score of at least 75 is required.

- Clinical Examination - Applicants who sat for the clinical examination prior to April 1994 and were unsuccessful on any part will take the parts of the clinical examination set forth below until December 31, 1994. After that time, applicants will be required to take the current examination administered by the Department. In order to be successful, a score of at least 75 is required in each of the following parts:

- Restorative Amalgam
 - Restorative Castings
 - Prosthetics
 - Periodontics
 - Comprehensive Treatment Planning (CTP)
 - Diagnosis, Oral Medicine and Radiology (DOR)
 - Periodontal Simulated Examination (PSE)
- Clinical Examination - Applicants who sat for the April 1994 and December 1994 clinical examination shall complete the parts of the clinical examination set forth below. In order to be successful, a score of at least 75 is required in each of the following parts:

- Restorative Exercises
 - Class II Amalgam Section
 - Class III or IV Composite Resin Section
- Periodontal Exercise
 - Diagnosis, Treatment Planning, Charting Section
 - Scaling, Polishing, Pocket Probing Section
- Manikin Exercise
 - Endodontic Section
 - Three Unit Fixed Partial Denture Sections: abutment preparations and provisional partial denture
- Written Simulated Clinical Exercise
 - Diagnosis, Oral Medicine and Radiology (DOR) Section
 - Comprehensive Treatment Planning (CTP) Section
 - Periodontal Simulated Examination (PSE) Section
 - Simulated Clinical Prosthetics (SCP) Section

- Clinical Examination - Beginning in 1995, all applicants for examination will be required to take and pass the clinical examination set forth below:

- Part-~~II~~---Case--Based Written Simulated Clinical Exercise Simulations

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- i) Diagnosis, Oral Medicine, Radiology
- ii) Comprehensive Treatment Planning
- iii) Periodontal, Prosthodontics and Medical Considerations
- Diagnosis-Examination**
- iv) Prosthodontic-Diagnosis-Examination**
- B) Manikin Exercise**
 - i) Fixed Partial Prosthodontics
 - ii) Endodontic Treatment
- C) Part-II-- Restorative Exercise Examination**
 - i) Class II Silver Amalgam
 - ii) Class III/IV Composite
- e) Part-III---Simulated-Clinical-Examination**
 - ii) Case-Preparations---3-Unit-Bridge**
 - iii) Endodontic-Treatment**
- D) Periodontal Exercise Examination - Clinical Treatment
- b) The Department, upon recommendation of the Board, shall accept the following examinations for licensure:
 - 1) Central Regional Dental Testing Service (CRDTS) and North East Regional Board (NERB) Combined Regional Examination (CORE) with a passing score of 75;
 - 2) The North East Regional Board (NERB) with a passing score of 75 or better on each part, if completed within the last 5 years;
 - 3) The Central Regional Dental Testing Service (CRDTS) Examination taken after January 1, 1988, with a passing score of 75 or better on each part of the examination prior to May 1993. Beginning in May 1993, a passing score of 70 or better on each part of the examination shall be accepted for licensure; or
 - 4) The Southern Regional Testing Agency Inc. (SRTA) Examination taken after January 1, 1991, with a passing score of 75% or better on each section of the examination.
- c) The applicant shall have the examination scores submitted to the Department directly from the reporting entity.

(Source: Amended at 21 Ill. Reg. 340, effective 10-2-1994)

Section 120.130 System of Retaking the Clinical Sections of the Examination

- a) The following exam retake requirements will apply to an applicant who took the clinical examination prior to April 1994 and was unsuccessful on any part of the examination:
 - 1) First Failure
 - A) Except as provided in subsection (a)(2) below, on the second examination attempt, an applicant shall be required to take only those Sections of the clinical examination in which he/she did not achieve a score of at least 75.
 - B) An applicant who fails three or more Sections of the clinical examination during a single setting will be

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- required to complete the remedial education requirements set forth in subsection (a)(2) below.
- 2) Second Failure
 - A) Prior to the third examination attempt, an applicant must submit proof of further study, as specified below:
 - i) Applicants who have two failures in the Comprehensive Treatment Planning (CTP) Section, the Diagnosis, Oral Medicine and Radiology (DOR) Section or the Periodontal Simulated Exam (PSE) Section of the examination are required to take 20 clock hours of additional training in the subject area of each Section failed either through instruction in a university with an approved dental curriculum or by participation in a general dentistry residency or advanced general dentistry education program. Evidence shall be submitted to the Department and signed by the program/residency director, indicating successful completion of the residency/education.
 - ii) Applicants who have two failures in either the Restorative Amalgam, Restorative Casting, Prosthetics or Periodontics Clinical Section of the examination are required to take 20 clock hours of additional clinical training, in the subject area of each Section failed either through instruction at a university with an approved dental curriculum or by participation in a general dentistry residency or advanced general dentistry education program in a licensed hospital. Evidence shall be submitted to the Department and signed by the program/residency director, indicating successful completion of the program/residency.
 - B) At the third examination, an applicant will be required to take only those Sections he/she failed on the second attempt.
- 3) Third Failure
 - A) Prior to the fourth examination, an applicant must submit proof of satisfactory completion of one of the following:
 - i) An ~~complete~~ an additional semester of training in an approved curriculum in dentistry at a university;
 - ii) Full-time participation in a general dentistry residency or an advanced general dentistry program for not less than one academic year in a licensed hospital.
 - B) At the fourth examination, an applicant will be required to take and pass all Sections of the clinical examination.
- b) The following exam retake requirements shall be in effect for individuals taking the clinical examination (Department Clinical, CORE, NERB, or CRDTS) after April 1994:
 - 1) An individual sitting for the examination the first time who

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fails the examination shall be subject to the following:

- A) When one exercise is failed that exercise must be repeated.
- B) When two or more exercises are failed, the entire examination (four exercises) must be retaken.
- 2) A candidate who fails one or more patient based exercise(s) (such as Restorative Exercise and Periodontal Exercise) for the second time shall complete 20 clock hours of remedial dental education in each exercise failed. Candidates are not required to complete remedial education for non-patient based exercises (Written Simulated Clinical Exercise and the Manikin Exercise) before sitting for re-examination. If only one exercise has been failed twice, the candidate will be required to retake only that exercise. If more than one exercise has been failed, the candidate shall retake the entire examination.
- 3) A candidate who fails one or more exercise(s) for the third time shall complete one semester (at least 13 weeks) of remedial dental education relating to the content of the failed exercises and shall take the entire examination currently being offered.
- 4) A candidate sitting for the entire examination or specific exercises for the fourth time who fails the examination shall complete one academic year of remedial dental education. Education must be obtained from a dental program approved by the Department in accordance with Section 1220.140 of this Part. Independent study courses may not be utilized to fulfill the remedial requirements. The candidate must take the entire examination currently being offered.
- c) Beginning with the April 1995 administration of the examination, all 4 exercises must be successfully completed within an 18-month period following the date upon which the exam was originally taken.
 - 1) If all exercises of the exam have not been successfully completed within an 18-month period following the date upon which the exam was originally originally taken, the candidate shall retake the entire examination.
 - 2) If previous failures have made the candidate subject to remediation, those requirements must be satisfied before applying for re-examination.
- d) If an applicant fails CORE, NERB, CRDTS, the Southern or the Department clinical examination, or any combination of examinations, 3 times, the applicant shall repeat one academic year of an approved curriculum in dentistry.
- e) If an applicant applies for the Illinois clinical exam after having failed CORE, NERB, CRDTS or SRTA one or more times, the CORE, NERB, CRDTS or SRTA failures shall be considered Illinois exam failures for purposes of retakes.
- f) The provisions of this Section shall apply to all applicants upon adoption without regard to where the applicant is in the application process.

(Source: Amended at 21 Ill. Reg. DEC 24 1993, effective DEC 24 1993)

Section 1220.155 Restricted Faculty Licenses Temporary-Teaching-License

- a) Pursuant to Section 11(d) of the Act, the Department shall issue a Restricted Faculty Temporary-Teaching License to an individual who files an application, on forms provided by the Department, which includes:

- 1) A complete work history since graduation from a dental program;
- 2) Certification of licensure from the jurisdiction of original licensure and current licensure;
- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original license;
- B) A description of the licensure examination in that jurisdiction;
- C) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;
- 3) A certification, on forms provided by the Department, signed by the Dean of the school or hospital administrator, indicating:
 - A) The name and address of the dental school or hospital;
 - B) The beginning and ending date of the appointment;
 - C) The nature of and the need for the educational service that will be provided by the applicant;
- 4) The required fee set forth in Section 21(a)(1) of the Act.

- b) The restricted faculty temporary-teaching license shall be valid for 3 years from the date of issuance and may not be extended or renewed.
- c) The holder of a restricted faculty temporary-teaching license may only perform such acts as may be prescribed by and incidental to the teaching of dentistry and the holder may not engage in the practice of dentistry in this State.

(Source: Amended at 21 Ill. Reg. DEC 24 1993, effective DEC 24 1993)

Section 1220.231 System of Retaking the Clinical Examination

Applicants who failed the dental hygienist examination in total or part shall comply with the following retake requirements:

- a) First Failure.
 - 1) On the second examination attempt, an applicant shall be required to take only that Section(s) of the examination in which he did not achieve a score of at least 75.
 - 2) Applicants who fail both parts of the examination during a single series will be subject to the remedial education requirements set forth in subsection (b) below.
- b) Second Failure
 - 1) Prior to the third examination attempt, an applicant must submit

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proof of further study, as specified below:

- A) Applicants who have two failures in the Dental Hygiene Comprehensive (DHC) Section of the examination are required to take 20 clock hours of additional clinical training in this area through instruction from an approved dental hygiene program.
- B) Applicants who have two failures in the clinical section of the examination are required to take 20 clock hours of additional clinical training--~~both didactic and--practical~~ through instruction at an institution of higher education with an approved dental hygiene program.
- 2) At the third examination, an applicant will be required to take only that Section(s) he failed on the second attempt.
- c) Third failure
 - 1) Prior to the fourth examination, an applicant must submit proof of satisfactory completion of the repetition of one semester of training at an approved program in dental hygiene.
 - 2) At the fourth examination, an applicant will be required to retake the entire examination and be subject to the retake requirements set forth in subsections (b)(1)(A) and (B) above.
 - d) If an applicant applies for the Illinois clinical examination after having failed the NERB, CRDTS or SRTA examination one or more times, the NERB, CRDTS or SRTA shall be considered Illinois examination failures for purposes of retake.
 - e) The provisions of this Section shall apply to all applicants upon adoption without regard to where the applicant is in the application process.

(Source: Amended at 21 Ill. Reg. ~~3.000.00~~, effective ~~1/1/94~~)

Section 1220.240 Permitted Duties of Dental Auxiliaries

- a) Permitted Duties of an Appropriately Trained Dental Assistant
 - 1) A licensed dentist may delegate to an appropriately trained dental assistant those procedures for which the dentist exercises supervision and full responsibility as long as the delegated functions do not include:
 - A) Those procedures that which require professional judgment and skill, such as diagnosis and treatment planning and the cutting of hard or soft tissues or any intraoral procedure that which will be used directly in the fabrication of an appliance;
 - B) Those procedures specifically allocated to licensed dental hygienists; and
 - C) Those procedures forbidden by ~~paragraph (g) of~~ Section 17(g) of the Act.
 - 2) Appendix B of this Part contains an illustrative list of those

procedures that which may be performed by an appropriately trained dental assistant.

- 3) An appropriately trained dental assistant is a person who is considered by the supervising dentist to be competent to perform acts appropriate for dental assistants, either through formal education in the area or through on-the-job training.
- b) Permitted Duties of a Dental Hygienist
 - 1) Dental hygienists may perform dental health education functions and may record case histories and oral conditions observed.
 - 2) Scope of Duties
 - A) Hygienists may perform all procedures that which may be performed by an appropriately trained dental assistant.
 - B) Hygienists may not perform procedures that which require the professional judgment and skill of a dentist, such as diagnosis and treatment planning.
 - 3) Dental hygienists may monitor nitrous oxide under the following conditions:
 - A) The dental hygienist functions under the supervision of the dentist who remains in the facility;
 - B) The dentist shall administer nitrous oxide to the patient and control the induction of the gas, so that the patient is at a level of analgesia not anesthesia;
 - C) The dentist shall be responsible for removing the patient from nitrous oxide when the dental hygienist has completed the hygiene procedures; and
 - D) The ~~dentist--and~~ dental hygienist is are responsible for obtaining proof of certification, validating completion of a 12 hour course relative to nitrous oxide analgesia and is responsible for submitting certification to the dentist. Such course shall have been completed no earlier than December 31, 1994. Proof shall be made available to the Department upon request. The 12 hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the Department pursuant to Section 1220.250.
 - 4) Appendix C of this Part contains an illustrative list of those procedures that which may be performed by registered dental hygienists.
 - 5) The licensed dentist need not be present in the facility for a dental hygienist to perform the procedures outlined in Appendix C of this Part on persons who reside in a long-term care facility licensed by the State of Illinois or a mental health or developmental disability facility operated by the Department of Mental Health and Developmental Disabilities hospital or other similar institution and are unable to travel to a dental office because of illness or infirmity. The dentist shall personally examine and diagnose the patient and determine which services are

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necessary to be performed, which shall be contained in a written order to the hygienist. Such order must be implemented within 90 days of its issuance and an updated medical history and oral inspection must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a re-examination by the dentist.

- c) All intraoral procedures performed by a dental auxiliary, except those provided for in subsections (b)(1) and (b)(5), above, must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 21 Ill. Reg. 378.5.13, effective DEC 2, 1997)

SUBPART C: DENTAL SPECIALIST

Section 1220.310 Applications

- a) An applicant for examination for licensure as a dental specialist must be currently licensed as a dentist in Illinois and must file an application at least 60 days prior to date of examination. The application shall include the following:

- 1) Certification of completion of dental specialty training in accordance with subsection (b) below;

- 2) A complete work history since graduation from dental school;

- 3) The fee required in Section 21 of the Act.

- b) To further qualify for examination as a specialist in Endodontics, Pediatric Dentistry, Prosthodontics or Orthodontics and Dentofacial Orthopedics, the applicant must submit, in addition to the requirements of subsection (a) above, records, certified by the director of the program, showing that the applicant has successfully completed a course of study of not less than 2 academic years in a program approved by the Department, in the dental specialty he/she proposes to practice.

- c) To further qualify for examination as a specialist in Oral and Maxillofacial Surgery, the applicant must submit, in addition to the requirements of subsection (a), above, the following:

- 1) The Oral and Maxillofacial Surgery application must contain evidence that the applicant has successfully completed a 4 year (48 months) period of training in oral Oral and maxillofacial Maxillofacial surgery Surgery in a school and/or hospital approved by the Department. A minimum of 30 months shall be in clinical oral and maxillofacial surgery. Preceptor training program (training not conducted in an approved school and/or hospital program) is not recognized in satisfaction of any part of the 4 year requirement. The schedule shall include 24 months of full-time hospital training in an acceptable oral Oral and

maxillofacial surgery Maxillofacial--Surgery residency program. Not less than 4 months of this period must be devoted to training in anesthesiology.

- 2) Certified records are required from the Dean of the dental school or the head of the Oral and Maxillofacial Surgery Department of the hospital or clinic in which the oral Oral and maxillofacial surgery Maxillofacial--Surgery training took place. The records must attest to the individual's successful completion of the program.

- d) After July 1, 1994, periodontic specialty programs shall be 3 consecutive academic years with a minimum of 30 months of instruction. At least 2 consecutive years of clinical education must take place in a single educational setting. Applicants who completed periodontic specialty training prior to July 1, 1994, shall have successfully completed a course of study of not less than 2 academic years in a program approved by the Department.

- e) For the purpose of approving dental specialty education programs, the Department shall apply the standards used by the American Dental Association as approved by its Commission on Dental Accreditation specified in the "Requirements for Advanced Specialty Education Programs", approved July 1, 1994, which are herein incorporated by reference and include no later amendments.

- f) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 21 Ill. Reg. 378.5.13, effective DEC 2, 1997)

SUBPART D: GENERAL

Section 1220.405 Reporting of Adverse Occurrences

- a) "Adverse occurrence" shall be defined for the purposes of this Section as:

- 1) The death of a patient within 24 hours after the administration of a dental procedure; or

- 2) The permanent organic brain dysfunction of a patient that first occurs within 24 hours after the administration of a dental procedure; or

- 3) The hospitalization of a patient for physical injury within 24 hours after the administration of a dental procedure.

- b) A dentist shall report to the Department within 72 hours each adverse occurrence that involves the death of a patient.

- c) A dentist shall report to the Department within 30 days each adverse occurrence that involves the permanent organic brain dysfunction or hospitalization of a patient.

- d) The adverse occurrence report shall be in writing and shall include:

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- 1) The dentist's name and license number;
 - 2) The date and time of the occurrence;
 - 3) The facility where the occurrence took place;
 - 4) The name of the patient;
 - 5) The dental procedure involved;
 - 6) The type and dosage of sedation or anesthesia utilized in the procedure; and
 - 7) The circumstances involved in such occurrence.
- e) Upon receipt of any such report, the Department shall make such investigation pursuant to Section 25 of the Act and 68 Ill. Adm. Code 1110.
- f) The adverse occurrence report is required by the Department to assist in its mission of protecting the public. The filing of such report by a dentist shall not constitute an admission by the dentist of any wrongdoing, malpractice, error or omission in treatment or even an admission that the death, organic brain dysfunction or hospitalization is related to the dental procedure or its administration. A dentist shall be responsible for filing an adverse occurrence report only for those adverse occurrences of which he/she has knowledge or should reasonably have been expected to have knowledge. In the event that a dentist does not have knowledge or cannot reasonably be expected to have knowledge, but subsequently obtains actual knowledge of an adverse occurrence, then such dentist shall file an adverse occurrence report within 72 hours after obtaining knowledge of the death of a patient or within 30 days after obtaining knowledge of the permanent organic brain dysfunction or hospitalization of a patient.
- g) Failure to provide such a report to the Department shall be grounds for discipline. (See 225 ILCS 25/23.)

(Source: Added at 21 Ill. Reg. 373, effective 1997)

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Section 1220.APPENDIX C Dental Hygienist Permitted Procedures

- a) In addition to those activities specified in Section 18 of the Act, the following procedures may be performed by a registered dental hygienist:
- 1) Polish restorations without changing the anatomy, contour or occlusion of the tooth.
 - 2) Perform root planing and soft tissue curettage.
 - 3) Place temporary restorations following examination and instruction by the dentist.
 - 4) Apply topical anesthetics and topical medicaments.
 - 5) Record existing conditions through the use of radiographs.
 - 6) Perform intraoral dental laboratory tests, including but not limited to, oral cytology smears, pulp vitality tests and caries tests.
 - 7) Apply pit and fissure sealants to teeth, as prescribed by the dentist.
 - 8) Do intraoral irrigation and sulcular irrigation.
 - 9) Remove overhanging margins without the use of rotary instruments.
 - 10) Utilize chemotherapeutic modalities subgingivally.
- b) Except under the conditions specified in Section 18(b) of the Act a dental hygienist may be employed or engaged only under the supervision of a licensed dentist.
- c) Supervision, as defined in Section 4 of the Act, means the supervision of a dental hygienist requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

(Source: Amended at 21 Ill. Reg. 353, effective 1997)

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- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers: Adopted Action:
117.50 Amendments
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rulemaking: December 20, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 20, 1996
- 9) Notice of Proposal Published in Illinois Register: August 2, 1996 (20 Ill. Reg. 10303)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:
1. A semicolon was inserted at the end of Section 117.50(b)(1);
 2. In Section 117.50(b)(2), "age" was changed to "ages"; and
 3. An underlined semicolon and the word "and" were added at the end of Section 117.50(b)(2).
- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Adopted Action	Illinois Register Citation
117.10	Amendment	August 30, 1996 (20 Ill. Reg. 11593)
117.11	New Section	August 30, 1996 (20 Ill. Reg. 11593)
117.12	Amendment	August 30, 1996 (20 Ill. Reg. 11593)
117.13	New Section	August 30, 1996 (20 Ill. Reg. 11593)

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- 15) Summary and Purpose of Rulemaking: The Governor's budget initiative allows for an increase in the amount the Department is permitted to pay for funeral and burial expenses. Pursuant to provisions of P.A. 89-501, these amendments increase the maximum allowable amounts the Department may pay for funeral and burial expenses of an eligible decedent as follows:
- | | |
|--|-------|
| Funeral Expenses for an Adult or Child | \$650 |
| 5 years of age or older | |
| Funeral Expenses for a Child Between the | |
| Ages of 3 months and 5 years | \$405 |
| Funeral Expenses for a Child Under | |
| 3 months of age or stillborn | \$325 |
| Burial Expenses | \$325 |
| Anatomical Gift Allowance | \$ 93 |
- These amounts will be allowed for claims filed for persons whose date of death is on or after July 1,

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Judy Umunna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-0081

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER vv: DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT

MUTUAL COMPANIES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

Section

- 117.1 Incorporation By Reference
- 117.10 Payee For Financial Assistance
- 117.15 Reinstatement Upon Agreement to Cooperate
- 117.20 Replacement of Missing Warrants
- 117.30 Withholding of Rent (Repealed)
- 117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
- 117.50 Funerals and Burials
- 117.51 Funeral Home Services
- 117.52 Burial Expenses
- 117.53 Payment to Vendor(s)
- 117.54 Claims for Reimbursement
- 117.55 Submittal of Claims
- 117.60 Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
- 117.70 Charge for Replacement of Photo ID Cards (Repealed)
- 117.80 Direct Deposit of Recipients' Warrants
- 117.90 State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill.

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Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 3952, effective

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Section 117.50 Funerals and Burials

- a) Funeral and burial services shall be provided to eligible deceased individuals in accordance with Department standards.
- b) The maximum allowable amount which the Department may pay for funeral expenses of an eligible decedent, based on the decedent's age, is:
 - 1) \$650 \$630 for an adult or child 5 years of age or older;
 - 2) \$405 \$394 for a child between the ages age of 3 months and 5 years; and
 - 3) \$325 \$315 for a child under 3 months of age or stillborn.
- c) The maximum allowable amount which the Department will pay for burial (including cremation) expenses of an eligible decedent is \$325 \$315.
- d) When there is no hospital facility for disposal of amputated limbs by cremation or if burial is desired by the recipient, an allowance of \$15 for burial of amputated limbs may be paid to a funeral director.
- e) No additional payment shall be made for burial of amputated limbs with the remainder of the body.
- f) The maximum allowable amount which the Department will pay for an Anatomical Gift case is \$93 \$90 for the funeral home services and \$50 for a memorial service held in the funeral home. In a Anatomical Gift case, the body has been donated for scientific study.

(Source: Amended at 20 Ill. Reg. 3952, effective DEC 2 1997)

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1) Heading of the Part: Permit Application Fees

2) Code Citation: 77 Ill. Adm. Code 1190

3) Section Numbers: Adopted Action:

1190.10 Amendment

1190.20 Amendment

1190.30 Amendment

1190.50 Amendment

1190.80 Amendment

1190.90 New Section

4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]

5) Effective Date of Rulemaking: January 1, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 1, 1996

9) Notice of Proposal Published in Illinois Register: July 12, 1996 at 20 Ill. Reg. 8948

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

Section 1190.30(a)(1), first line, changed \$250,000 to \$350,000.

Section 1190.30(a)(2), first line, changed "\$250,000 or more" to \$350,000 to \$50,000,000."

Section 1190.30((a)(3), first line, added, "More than \$50,000,000, then the application fee shall be \$100,000."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Agency has made all the changes to which it agreed with the Joint Committee.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Part 1190 contains the Health Facilities Planning Board's rules regarding application fees for

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certificate of need (permit or exemption) applications. The amendments and new Section modify the language on the assessment of fees regarding permit applications, modification of applications, permit alterations and permit exemptions. The amendments and new Section increase certain fees collected for deposit into the Health Facilities Planning Fund. The Fund is utilized to pay the expenses incurred in administering the functions of the Planning Act. The amendments and new Section are intended to establish a more equitable fee structure related to the complexity and time spent by the State Board and Department on processing applications from initial submission to project completion.

16) Information and questions regarding these adopted rules shall be directed to:

Donald Jones
Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761
217-782-3516

The full text of the Adopted Amendment(s)/Rule(s) begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1190
PERMIT APPLICATION FEES

Section	
1190.10	Statutory Authority and Public Hearings
1190.20	Initial Fee Deposit
1190.25	Fee Payment
1190.30	Assessment of Fees
1190.40	Total Estimated Cost of the Project
1190.50	Fees Related to Modification of an Application or Alteration of a Permit
1190.60	Obligation Requirements and Cost Overrun
1190.70	Permit Renewal or Extension
1190.80	Applications for Exemptions Other than Major Medical Equipment
1190.90	Applications for Exemption of Major Medical Equipment

AUTHORITY: Implementing and authorized by Section 12(8) of the Illinois Health Facilities Planning Act [20 ILCS 3960/12(8)].

SOURCE: Filed June 21, 1976; amended at 5 Ill. Reg. 4999, effective April 22, 1981; amended at 6 Ill. Reg. 11634, effective September 9, 1982; amended at 7 Ill. Reg. 6969, effective May 13, 1983; codified at 8 Ill. Reg. 12458; amended at 12 Ill. Reg. 10514, effective June 7, 1988; amended at 14 Ill. Reg. 5550, effective May 1, 1990; recodified at 20 Ill. Reg. 2598, effective January 26, 1996; amended at 20 Ill. Reg. 399, effective JAN 1 1999.

AGENCY NOTE: "The Illinois Department of Public Health does not discriminate on the basis of handicap in admission or access to, or treatment or employment in its programs and activities in compliance with Section 504 of the Rehabilitation Act of 1973, as amended. The Equal Employment Opportunity Officer is responsible for coordination of compliance efforts Voice (217) 785-2034; TDD (217) 785-2088."

Section 1190.10 Statutory Authority and Public Hearings

- a) This Part is prepared and promulgated by authority granted to the Illinois Department of Public Health (Agency) and to the Illinois Health Facilities Planning Board (State Board) under Section 12.1 of the Illinois Health Facilities Planning Act (the Act) [20 ILCS 3960/12.1]. Section 12(8) of the Illinois Health Facilities Planning Act (the Act) is amended to read: "The State Board shall provide that the State Agency shall charge and collect from the permit applicant an amount

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determined by the State Board to be a reasonable application fee for the processing of the application by the State Board, the Agency and the appropriate recognized areawide health planning organization. The Agency, with the approval of the State Board, shall set the amounts under the rule regulation. All fees and fines collected under the provisions of the Act shall be deposited with the State Treasurer into the Illinois Health Facilities Planning Fund, which is hereby created as a special fund in the State Treasury, to be used for the expenses of administering the Act.

- b) Public Hearings on this Part were held in accordance with the provisions of Section 12 of the Act. The Executive Secretary maintains a record of the Public Hearings and copies of the records are available for public inspection at the Official Headquarters of the State Board at 525 595 West Jefferson Street, Springfield, Illinois 62761.

(Source: Amended at 20 Ill. Reg. 399, effective JAN 1 1999)

Section 1190.20 Initial Fee Deposit

An initial fee deposit of \$700 must accompany each application for permit submitted to the State Board unless the project is not subject to a fee pursuant to Section 1190(b). No application for permit shall be deemed complete (as per the provisions of 77 Ill. Adm. Code 1130) until this initial fee deposit is paid. Upon the application being deemed complete, the Executive Secretary shall then review the total estimated cost of the project in order to determine the full amount of the fee to be paid. If any additional balance is due, the applicant shall be advised in writing and is expected to make payment of the balance of the fee within 30 days of the receipt of the notice of amount due. The State Board will not place any reviewed application on its docket for action until payment of the full fee due has been received and no permit shall be approved or issued on any application for permit on which the correct fee amount has not been paid. Applications shall be declared null and void if the total application fee has not been paid within 30 days after receipt of the completion notice 60 days of being deemed complete.

(Source: Amended at 20 Ill. Reg. 399, effective JAN 1 1999)

Section 1190.30 Assessment of Fees

- a) All projects, except those not subject to a fee pursuant to Section 1190.30(b), are required to submit a fee for an application for permit. Fees shall be assessed in the following manner. For each project having no cost or having a total estimated cost (calculated as per Section 1190.40) of:

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- 1) Less than \$350,000 \$250,000, then the application fee shall be \$700;
- 2) \$350,000 to \$50,000,000 \$250,000-to-\$10,000,000-inclusive, then the application fee shall be \$200-plus 0.2 of one (1) percent of the total estimated cost of the project (Total Estimated Cost of the Project X .002 + \$200 = Amount of Application Fee). The range of fees shall therefore be from a \$700 minimum on a \$350,000 (or less) project up to a maximum of \$100,000 on a \$50,000,000 project; the range of fees shall therefore be from a \$700 minimum on a \$250,000 (or less) project up to a maximum of \$100,000 on a \$50,000,000 project;
- 3) More than \$50,000,000, then the application fee shall be \$100,000. \$10,000,000-to-\$30,000,000-inclusive, then the application fee shall be \$20,000;
- 4) More than \$30,000,000, then the application fee shall be \$25,000;
- b) Projects classified as emergency, any projects submitted by any department, board, agency or other entity of the State of Illinois for construction or modification of its health-care facilities, and/or those projects for partial or total discontinuation of a facility or category of service where there is no project cost, shall not be charged a fee.

(Source: Amended at 20 Ill. Reg. 399, effective JAN 1 1997)

Section 1190.50 Fees Related to Modification of an Application or Alteration of a Permit

- a) If, during the course of the Review Period, a modification is made in the application for permit which results in an increased "Total Estimated Cost of the Project", the fee shall be recalculated on the basis of the revised cost estimate. Payment of any additional fee amount due shall be made by the applicant upon receipt of notification. No action on the application will be taken by the State Board until all fees are paid.
- b) If, after a permit has been issued, the permit holder proposes to alter a project per Part 1130, a processing fee shall be assessed for the review of the alteration. For alterations which do not increase the project's amount of borrowed funds, the fee amount shall be \$1,000 \$500 if the proposed alteration does not increase the project cost above the approved permit amount, or 1/2 the greater of \$1,000 \$500 or .2 of one percent of the dollar amount of the project which exceeds the approved amount. For alterations which increase the project's amount of borrowed funds, an additional fee shall be assessed and shall be the greater of \$1,000 or .2 percent of the dollar amount of the project's increase in borrowed funds.

(Source: Amended at 20 Ill. Reg. 399, effective JAN 1 1997)

(Source: Amended at 20 Ill. Reg. 399, effective JAN 1 1997)

Section 1190.80 Applications for Exemptions Other than Major Medical Equipment

Persons submitting applications for exemptions for transactions other than the acquisition of major medical equipment shall be assessed an application fee of \$1,000 \$250 for the processing of the application. The Chairman or the State Board will not place any application for exemption on its docket for action nor take any action until all required fees have been submitted.

(Source: Amended at 20 Ill. Reg. 399, effective JAN 1 1997)

Section 1190.90 Applications for Exemption of Major Medical Equipment

Persons submitting applications for exemption for the acquisition of major medical equipment shall be assessed an application fee of the greater of \$1,000 or .1 percent of the total estimated cost of the transaction (calculated as per Section 1190.40). The application fee must accompany each application for exemption. The Chairman or the State Board will not place any application for exemption on its docket for action nor take any action until all required fees have been submitted.

(Source: Amended at 20 Ill. Reg. 399, effective JAN 1 1997)

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1) Heading of the Part: Lobbyist Registration and Reports2) Code Citation: 2 Ill. Adm. Code 5603) Section Number Adopted Action

560.100 Amendment

560.200 Amendment

560.205 Amendment

560.210 Amendment

560.220 Amendment

560.230 Repealed

560.300 Amendment

560.305 Amendment

560.310 Amendment

560.315 Amendment

560.320 Amendment

560.325 Amendment

560.326 New Section

560.330 Amendment

560.340 Amendment

560.350 Amendment

560.355 Repealed

560.360 Amendment

560.365 Amendment

560.370 Amendment

560.372 New Section

560.375 Amendment

560.380 Amendment

560.385 Amendment

560.390 Amendment

560.395 Amendment

560.400 Amendment

560.402 Amendment

560.405 Amendment

560.410 Amendment

560.420 Amendment

560.APPENDIX A

560.ILLUSTRATION A

560.ILLUSTRATION B

560.ILLUSTRATION C

560.ILLUSTRATION D

560.ILLUSTRATION E

560.APPENDIX B

560.ILLUSTRATION A

560.ILLUSTRATION B

560.ILLUSTRATION C

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560.ILLUSTRATION F Repealed

560.ILLUSTRATION G Repealed

4) Statutory Authority: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170].5) Effective Date of Adopted Amendments: January 1, 19976) Does this rulemaking contain an automatic repeal date? No7) Does this proposed amendment contain incorporations by reference? No8) Date filed in agency's principal office: December 25, 19969) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 12701 (9/27/96)10) Has JCAR issued a Statement of Objections to these rules? No11) Text and Location of any changes made to the rule between proposal and adoption: Numerous nonsubstantive changes suggested by JCAR and public comment were incorporated into this amendment.

In response to public comment, the following changes were made:

1. The definition of "due diligence" (Section 560.100) provides that the lobbyist share responsibility for reporting accuracy.

2. In Section 560.205, the authorized agent is required to keep copies of records provided by lobbyists, rather than originals.

3. Section 560.310 references a recent state law prohibiting members of the General Assembly from accepting honoraria.

4. In Section 560.326, anyone in the registered entity may distribute Grass Roots Lobbying Statements.

5. Section 560.385 provides that either the lobbyist or the authorized agent may send the termination notice

6. Section 560.390 provides that lobbyist's must provide authorized agents with copies of destroyed expenditure information.

7. In Section 560.395, records may be maintained by either the lobbyist or authorized agent.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this amendment replace an emergency amendment currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and purpose of amendments: This rule will clarify existing

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policies, and remove the registration and reporting forms from the rules so that nonsubstantive modifications may be made without use of the rulemaking process. Changes include permission for lobbyists to use a photocopy of their picture for registration; a clarification that grass roots lobbying communications include not only the communication from the entity to its members, but also the corresponding contact by the members to the officials (absent reportable expenditures), and that firms who prepare grass roots lobbying communications on behalf of lobbying organizations are not required to register if they have no direct lobbying communications with officials; clarification with respect to the filing of reports (i.e. the acceptance of postmark dates, the extension of the filing deadline to the next business day if the statutory deadline falls on a weekend, and that forms may be refused if not accompanied by proper fees); clarification that registration fees are not transferable for lobbyists changing entities; new options for reporting large gatherings or giveaways sponsored by more than one entity; and clarification that a lobbyist need not report an expenditure if the official reimburses the lobbyist during the reporting period.

16) Information and questions regarding this adopted amendment shall be directed to:

Debra Detmers
Director of Index
Secretary of State's Office
111 E. Monroe St.
Springfield, Illinois 62756
217/782-0645

The full text of the adopted amendments begins on the next page:

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TITLE 2: GOVERNMENTAL ORGANIZATION
CHAPTER III: SECRETARY OF STATE

PART 560

LOBBYIST REGISTRATION AND REPORTS

SUBPART A: DEFINITIONS

Section	Definitions
560.100	
Section	
560.200	Persons Required to Register
560.205	Designation and Duties of Authorized Agent
560.210	Persons Not Required to Register
560.220	Registration Requirements
560.230	Failure to Register (Repealed)

SUBPART B: LOBBYIST REGISTRATION

SUBPART C: REPORTING REQUIREMENTS

Section	
560.300	Persons Required to File Expenditure Reports
560.305	Time, Place and Manner for Filing Expenditure Reports
560.310	Categorizing Expenditures
560.315	Allocating Expenditures
560.320	Hosting Large Gatherings and Giveaways
560.325	Reporting Expenditures by Participants in Grass Roots Lobbying Events
560.326	Registrant's Duties for Grass Roots Lobbying Events
560.330	Expenditures for Immediate Family Members of Officials
560.340	Travel and Lodging Accommodations for Officials
560.345	Members of Legislative or State Study Committees
560.350	Personal and Office Expenses
560.355	Registrant's Duties for Grass Roots Lobbying Events (Repealed)
560.360	Salaries, Fees and Compensation
560.365	Contributions Reported Under the Election Code
560.370	Returned Gifts and Honoraria/Reimbursement by Official
560.372	Official's Clarification Notice
560.375	Reports in the Absence of Reportable Expenditures
560.380	Amending Reports
560.385	Termination of Lobbying Activities
560.390	Failure to File Registration Statements and Expenditure Reports
560.395	Preservation of Records

SUBPART D: PUBLIC DISCLOSURE

Section

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560.400 Requests for Reports
 560.402 Location and Business Hours
 560.405 Official Forms
 560.410 List of Officials
 560.420 Fees

Section 560.100 Definitions

The following definitions shall apply to this Part:

"Act" means the Lobbyist Registration Act [25 ILCS 170] ~~7--see--Public Act--88--187.~~

APPENDIX A Lobbyist Registration Statements

ILLUSTRATION A Form R1: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/ Association/Corporation or any Other Organization Employing a Lobbyist on Their Own Behalf (Repealed)

ILLUSTRATION B Form R2: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Who Performs Lobbying Services on Behalf of Another (Repealed)

ILLUSTRATION C Attachment R1/R2: Lobbyist Registration Attachment - For Individual Lobbyist (Repealed)

ILLUSTRATION D Form R3: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Lobbyists (Repealed)

ILLUSTRATION E Form R4: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Clients (Repealed)

APPENDIX B Lobbyist Expenditure Reports

ILLUSTRATION A Form S1: Lobbyist Expenditure Report - Summary of Reportable Expenditures (Repealed)

ILLUSTRATION B Schedule 1A/2A: Lobbyist Expenditure Report - Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)

ILLUSTRATION C Schedule 1B/2B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)

ILLUSTRATION D Schedule 2C/3C: Lobbyist Expenditure Report - Expenditures for Large Gatherings or Giveaways (Repealed)

ILLUSTRATION E Schedule 3A/4A: Lobbyist Expenditure Report - Itemized Expenditures for Gifts or Honoraria (Repealed)

ILLUSTRATION F Schedule 3B/4B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Gifts and Honoraria (Repealed)

ILLUSTRATION G Schedule GRI: Lobbyist Expenditure Notification - Expenditures Notification in Connection with a Grass Roots Lobbying Event (Repealed)

AUTHORITY: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170].

SOURCE: Adopted ~~405~~ 18 Ill. Reg. 22532, effective January 1, 1994; amended at 21 Ill. Reg. 05, effective JAN 1 1995.

SUBPART A: DEFINITIONS

"Complete Report" means a statement, or report or document to be filed

"Administrative action" means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any executive agency, department, board or commission of the State. (Section 2 of the Act) It shall not include any correspondence or direct lobbying communication to an official providing a response to an official's request.

"Allocation" means the proration of the expenditure made or incurred for lobbying an official when the expenditure is made or incurred for more than one official, but fewer than twenty-five (25) officials.

"Authorized Agent" means the person employed by and designated by the registered entity to be responsible to the Secretary of State for the accurate submission of lobbyist registration statements and expenditure reports required under this Part. The authorized agent need not register unless he or she is a lobbyist, as defined in this Section.

"Beneficiary" means an official as defined in this Section for whose benefit expenditures are made or incurred for the ultimate purpose of influencing executive, legislative or administrative action. For allocation purposes, all persons in the presence of the official who are receiving the direct benefit of the expenditure are considered to be beneficiaries.

"Client" means an individual, firm, partnership, committee, association, corporation or any other organization on whose behalf a lobbyist influences officials with respect to executive, administrative and legislative action.

"Compensation" means any money, thing of value or financial benefits received or to be received in return for services rendered or to be rendered, for lobbying, as defined herein. Monies paid to officials by the State as remuneration for performance or reimbursement of expenses in connection with their constitutional and statutory duties as officials shall not constitute compensation. (Section 2 of the Act)

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with the Secretary of State Index Department in apparent and substantial conformity with the requirements of this Part that shall contain the signature of the authorized agent person-making-the filing, the completion of all applicable sections of the statement or report, and the attachment of all appropriate schedules. Inadvertent error-or-omission-of-a-minimal-nature-in-the-completion-of-a-report-statement-or-document-shall-not-be-deemed-as-a-willful-failure-to-file or-a-willful-filing-of-false-or-incomplete-information-

"Direct Lobbying Communication" means any activity concerning the direct contact of officials in person or by other means of through correspondence, telephone by-phone or other electronic medium for the purpose of influencing executive, legislative or administrative action. Any correspondence or contact of a routine nature with an official's office, or by a citizen lawfully petitioning a public official pursuant to Section 9 of the Act, shall not be considered direct lobbying communication, administrative-or-legislative-agency-or-a-legislator's-capitol-or-district-office-is-not-considered-direct lobbying-communication-when-the-person-is-exercising-the-right-of-a citizen-to-lawfully-petition-a-member-of-the-General-Assembly-or-any other-public-official unless the communication is made by a hired lobbyist or is in conjunction with a reportable expenditure.

"Due Diligence" means when a lobbyist person or authorized agent for any registered entity person shows that best efforts have been used to obtain, maintain and submit the information required by the Act. With regard to filing complete reports, the authorized agent Authorized Agent will not be deemed to have exercised due diligence unless he or she has access to the expense records of the entity's lobbyists, entity and has made at least one effort-by-a written request to obtain such information from the lobbyist. Such-effort-shall-consist-of-a clear-request-for-the-information which informs the lobbyist that the reporting of such information to the authorized agent Authorized Agent is required by law or regulation. This definition should not be construed as a requirement that the authorized agent review the lobbyist's expense records if the lobbyist certifies their accuracy to the authorized agent.

"Employer" means the individual, firm, partnership, committee, association, corporation or any other organization or group of persons by whom a lobbyist is employed, and not the name of the lobbyist's supervisor.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a State entity of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial

action or proceeding. (Section 2 of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

"Expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure, for the ultimate purpose of influencing executive, legislative or administrative action, other than compensation as defined herein. (Section 2 of the Act) For the purposes of Subpart C, "expenditure" refers to a reportable expenditure made on behalf of an official in one of the four categories described in Section 6 of the Act and Section 560.310 of this Part. For-reporting-purposes, anything of-value-means-a-tangible-item-or-service-with-a-discernable-retail-or-market-value-which-is-verifiable.

"File", "Filed" and "Filing" means the submission of a complete report, as defined in this Section, with-respect-to-reports-statements-and-documents-required-to-be-filed-with the Secretary of State Index Department. East-Monroe-Street-Springfield-Illinois by the close of business on of the prescribed filing date. Registration statements and expenditure reports shall be filed at 111 East Monroe Street, Springfield, Illinois 62756, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding official State holidays. Forms may be sent by mail with a postmark date no later than the filing deadline. If the filing deadline falls on a weekend, the deadline will be extended to the next business day. The Index Department shall notify any registered entity who has failed to submit a complete report and pay proper fees as required by Sections 560.220 and 560.390. An entity that fails to file a complete entity registration statement and pay proper fees shall not be considered a registered lobbying entity by the Secretary of State.

"Goodwill" means, for reporting purposes, any expenditure made on behalf of officials which has no direct relation to a specific executive, legislative or administrative action regardless of whether the lobbyist registrant making the expenditure is reimbursed by his or her employing registered entity or client. Goodwill should be reported as the subject matter only-in-these-instances where no specific action is discussed.

"Grass Roots Lobbying Communication" means: any-attempt-to-influence any-executive-legislative-or-administrative-action-through-an-attempt to-affect-the-opinions-of-the-general-public-or-any-segment-thereof. Required-elements-include-a-communication-which-refers-to-a-specific executive-legislative-or-administrative-action-or-reflects-a-view-on such-action-and/or-encourages-the-recipient-of-the-communication-to take-action-with-respect-to-such-executive-legislative-or

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administrative action. For the purposes of this definition, encouraging a recipient to take action with respect to an executive legislative or administrative action means that the communication States that the recipient should contact an official, but only if the principal purpose of urging contact with the official is to influence an executive legislative or administrative action, or States the address, telephone number or similar information of an official, or provides a petition request for action or tear-off postcard, or similar material, for the recipient to communicate with an official, but only if the principal purpose of so facilitating contact with the official is to influence an executive legislative or administrative action, or legislative or administrative action. Specifically, identifies one or more officials who will decide on the executive legislative or administrative action as opposing the communication, view with respect to the executive legislative or administrative action, being undecided with respect to such action, being the recipient's representative in the legislature or being a member of the legislative committee, subcommittee or any official participating in the decision making process that will consider the action. Encouraging the recipient to take action under this paragraph does not include naming the main sponsor(s) of the legislation or the constitutional officer or employee for the purposes of identifying the action.

correspondence by a representative (a lobbyist or a non-lobbyist) of a registered entity to the general public, or any segment thereof, encouraging correspondence to an official's office in support of, or opposition to, an executive, legislative or administrative action.

correspondence by a member of the general public, or any segment thereof, to an official's office in support of, or opposition to, an executive, legislative or administrative action when such correspondence is a result of a communication described above in this definition. A However, any reportable expenditure made for or on behalf of an official by a member of the general public as a result of a grass roots lobbying communication Grass-Roots Lobbying Communication shall constitute lobbying activity requiring that individual to register as a lobbyist unless that person reports the that expenditure to the registered entity pursuant to Section 560.325.

"Grass Roots Lobbying Event" means:

any organized activity sponsored by a registered entity that is intended to influence the actions of officials by through-the-use

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of inviting or transporting participants (e.g., shareholders, affiliated members, employees, agent constituents or members of the general public) to a specific site on the grounds of, or in the proximity of, public offices or other meeting places where officials are expected to be accessible for grass roots lobbying activities, or

any event to which officials are invited that is sponsored by a non-lobbyist member or employee of a registered entity, e.g., an on-site inspection of, or reception at, the member's or employee's place of business, or a social gathering at any location. Reportable expenditures incurred as a result of the event shall be reported to the registered entity pursuant to Section 560.325.

"Honorarium" means a payment of money to a member of the General Assembly for an appearance or speech, excluding any actual and necessary travel expenses incurred by the member (and one relative) to the extent that those expenses are paid by any other person. [5 ILCS 420/2-110]

"Influencing" means any communication, action, or reportable expenditure as prescribed in Subpart C of this Part or other means used to promote, support, affect, modify, oppose or delay any executive, legislative or administrative action or to promote goodwill with officials, as defined herein.

"Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or passage or defeat of any bill, amendment, resolution, report, nomination, administrative rule, or other matter by either house of the General Assembly or a committee thereof, or by a legislator. Legislative action also means the action of the Governor in approving or vetoing any bill or portion thereof, and the action of the Governor or any agency in the development of a proposal for introduction in the legislature. (Section 2 of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

"Lobbying" means any communication with an official of the executive or legislative branch of State government as defined herein for the ultimate purpose of influencing executive, legislative or administrative action. (Section 2 of the Act) Lobbying shall not be construed to infringe in any way the right of a citizen to lawfully petition a member of the General Assembly or any other public official by any means of communication. The following are hereby excluded from the definition of "lobbying":

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Any grass roots lobbying communication as defined herein; by any individual, firm, partnership, committee, association, corporation or any other organization or group of persons, which undertakes to communicate with their shareholders, affiliated members, employees, agents or constituents to promote or encourage their contact with State officials regarding executive legislative or administrative action; however, any reportable expenditure made by the shareholder, affiliated member, employee, agent or constituent for or on behalf of an official as a result of the communication may constitute lobbying activity requiring an individual to register as a lobbyist.

Any communication by a candidate or political committee, as defined in Article 9 of the Election Code (10 ILCS 5/9), in relation to the candidate's campaign, or other communications by a political party committee registered with the Illinois State Board of Elections or Federal Election Commission;

Any communication by a political committee registered with the Illinois State Board of Elections or Federal Election Commission in connection with a question of public policy referendum to be presented to the electors; and

Any professional or technical assistance or ministerial function (a function in which nothing is left to discretion) as a normal course of business (see Section 560.210(c), (d), and (n) of this Part.

"Lobbyist" means any person who is a registrant or is employed by a registered entity who undertakes direct lobbying communication with an official of the executive or legislative branch of State government as defined herein for the ultimate purpose of influencing executive, legislative or administrative action.

"Official" means:

the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer and State Comptroller and their Chiefs of Staff;

Cabinet members of any elected constitutional officer, including Directors, Assistant Directors and Chief Legal Counsel or General Counsel; and other position titles of comparable ranking considered part of the cabinet if the person has been designated by and serves at the pleasure of the constitutional officer employed by the Secretary of State--index--Department that are deemed by their employing Constitutional Officer to be an official under this Part; and

Members of the General Assembly.

"Official" shall not be construed to mean or include those individuals possessing power of attorney on behalf of an official.

"Person" means any individual, firm, partnership, committee, association, corporation or any other organization or group of persons. (Section 2 of the Act)

"Picture" means an original or photocopied photograph of a lobbyist to be affixed to the lobbyist's registration attachment.

"Professional Services and Technical Skills" shall be limited to advice and analysis directly applying any professional or technical discipline (see Section 560.210(c) and (d) of this Part). For example, drafting of a legal document accompanying a bid or proposal does not subject a person to register pursuant to this Part. Similarly, technical advice on the performance or operational capability of a piece of equipment rendered directly in the negotiation of a contract does not subject a person to register pursuant to this Part. Being a professional or technical person does not in itself exempt a person from registering if that person is involved in direct lobbying communication with an official with the intent to influence executive legislative or administrative action undertaken a direct lobbying communication or makes a reportable expenditure (see Section 560.210(f)). Thus, for example, communications with the intent to influence made by a lawyer who is not providing legal advice or analysis directly and solely related to the legal aspects of his or her client's proposal but generally advocating one proposal over another is communicating in a manner which is not exempt requiring a person to register under this Part because the lawyer is not solely providing professional legal services. Similarly, providing an engineering or technical analysis concerning a legislative proposal or in the preparation, submission or negotiation of a bid or offer is an exclusion from the definition of lobbying since the individual is providing technical services.

"Recipient of Expenditure" means a person or business which receives payment for goods or services rendered as part of a lobbying activity by a merchant.

"Registered Entity" or "Lobbying Entity" means the firm, partnership, committee, association, corporation or any other organization or group of persons who has filed, as defined in this Section, or will be filing a lobbyist registration statement statements with the Secretary of State index Department as prescribed in Section 560.200(b) regardless of whether the entity lobbies on its own behalf or on the behalf of another. A self-employed individual who is not

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officially organized as a corporation or firm is considered such for purposes of this definition.

Vendor means any person who sells or leases commodities, equipment, or real estate to the State of Illinois.

(Source: Amended at 21 Ill. Reg. 405- , effective
JAN 1 1997)

SUBPART B: LOBBYIST REGISTRATION

Section 560.200 Persons Required to Register

The following individuals shall register with the Secretary of State, Index Department:

- a) Any person who, for compensation or otherwise, either individually or as an employee or contractual employee of another person, undertakes to influence executive, legislative or administrative action by any direct lobbying communication with an official of the executive or legislative branch of State government even if lobbying constitutes a small percentage of the employee's job duties. (Section 3 of the Act)
- b) Any person or entity who employs another person--e-g-v--registered entity for the purposes of influencing executive, legislative or administrative action by any direct lobbying communication with an official of the executive or legislative branch of State government. For example, XYZ Corporation is would-be required to register upon retaining a registered entity that does not lobby exclusively for XYZ Corporation, lobbying-firm or--alternatively, upon employing hiring an individual to lobby exclusively for as-an-employee-of XYZ Corporation.
 - 1) Any-person-who--for--compensation--or--otherwise--either individually-or-as-an-employee-or-contractual-employee-of-another person--undertakes--to--influence--executive--legislative--or administrative-action by-any-direct-lobbying-communication--with an-official--of--the--executive--or--legislative-branch-of-State government--(Section-3-of-the-Act)
 - 2) Any person who employs another person, e-g-v--registered-entity for--the--purposes--of--influencing--executive--legislative--or administrative-action by-any-direct-lobbying-communication--with an-official--of--the--executive--or--legislative-branch-of-State government--For-example, XYZ-Corporation-would--be--required--to register--upon--retaining-a-lobbying-firm-or--alternatively, upon hiring-an-individual-to-lobby-as-an-employee-of-XYZ-Corporation--(Section-3-of-the-Act)

(Source: Amended at 21 Ill. Reg. 405- , effective
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Section 560.205 Designation and Duties of Authorized Agent

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- a) Every registered entity shall designate on its the-appropriate Registration Statement an authorized agent who shall be Authorized Agent responsible for keeping copies of the expenditure and registration records provided to him or her by that entity's lobbyists, and-filing-the-statement-and-reports-required-by-this-part.
- b) The authorized agent shall be the Index Department's contact person for the registered entity. Notices from the Department will be mailed only to the authorized agent. The authorized agent shall notify the Department of any change of address.
- c) No registered entity shall have a vacancy in the position of authorized agent. The Department shall continue to send notices to the authorized agent designated until a registered entity notifies the Department in writing of the new authorized agent.
- d) The authorized agent shall submit the official expenditure reports on behalf of the registered entity, consolidating the expenditure information for all of the lobbyists for that entity (see Subpart C of this Part).
- e) The Index Department shall not accept registration statements and expenditure reports that are signed by anyone other than the authorized agent unless accompanied by a written explanation.

(Source: Amended at 21 Ill. Reg. 405- , effective
JAN 1 1997)

Section 560.210 Persons Not Required to Register

This Part is not intended and shall not be construed to apply to the following:

- a) Persons who, for the purpose of influencing executive, legislative or administrative action and who do not make expenditures that are reportable pursuant to Subpart C of this Part, appear without compensation or promise thereof only as witnesses before committees of the House and Senate for the purpose of explaining or arguing for or against the passage of or action upon any legislation then pending before such committees, or who seek without compensation or promise thereof the approval or veto of any legislation by the Governor.
- b) Persons who own, publish, or are employed by--a-news-paper--or--other regularly-published-periodical--or-who-own-or-are-employed-by-a-radio station--television-station--or-other-bona-fide-news-medium--which--in the-ordinary-course-of-business-disseminates-news-editorial--or-other comment--or-paid-advertisements-which-directly--urge--the--passage--or defeat-of-legislation.
 - 1) This-exemption--shall--not--be--applicable-to-such-an-individual insofar-as-he-receives-additional-compensation--or--expenses--from some--source--other--than-the-bona-fide-news-medium--for-the-purpose of-influencing-executive--legislative--or-administrative-action--
 - 2) This-exemption--does--not--apply-to-newspapers-and-periodicals-owned by-or-published-by-trade-associations--and-profit-corporations engaged--primarily--in--endeavors--other--than--dissemination-of-news.

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Persons who receive no compensation from their immediate employer or association other than reimbursement for expenses of up to \$500 per year while engaged in lobbying State government, unless those persons made expenditures that are reportable under Subpart C of this Part. Volunteers for non-profit registered entities who undertake a direct lobbying communication within the scope of their volunteer activities are not required to register unless they make reportable expenditures. However, this exemption does not apply to non-profit entities engaged in direct lobbying communications.

c) Persons performing professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation where such professional services are not otherwise, directly or indirectly, connected with executive, legislative or administrative action. Examples include, but are not limited to, the following:

- 1) an entity that monitors or drafts legislation on behalf of its members or clients, but does not engage in direct lobbying communications with officials or make reportable expenditures;
- 2) an individual employed by a registered or non-registered entity who monitors or drafts legislation on behalf of his or her employer or client, but does not engage in direct lobbying communications with officials or make reportable expenditures.

d) Persons who are employees of departments, divisions or agencies of State government, and who appear before committees of the House and Senate for the purpose of explaining how the passage of or action upon any legislation then pending before such committees will affect said departments, divisions or agencies of State government--(Section 4 of the Act)--No communication by a department, division or agency or employees thereof acting within the scope of their employment regarding any executive, legislative or administrative action shall be construed as lobbying activities requiring a department, division or agency of State government or its employees acting within the scope of their employment to register under this Part--Persons who possess technical skills and knowledge relevant to certain areas of executive, legislative or administrative actions, whose skills and knowledge would be helpful to officials regardless of whether such assistance was requested when considering such actions, whose activities are limited to making occasional appearances for or communicating on behalf of a registrant and who do not make expenditures that are reportable pursuant to Subpart C of this Part even though receiving expense reimbursement for such occasional appearances. Examples include, but are not limited to the following:

- 1) A law firm (or individual lawyer if the firm is a registered entity) that prepares a contract for a client that is lobbying for a purchasing agreement. The firm's or lawyer's contact with officials shall be limited to the explanation of the contract terms, and shall not attempt to influence the procurement of the contract.

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- 2) An engineering firm (or individual engineer if the firm is a registered entity) that prepares a technical analysis on structural performance or operational capability which is used in the preparation for, or negotiation of, a bid or any other executive or administrative action. The firm's or engineer's contact with officials shall be limited to the explanation of the analysis, and shall not attempt to influence the procurement of the bid.

e) Employees of the General Assembly, legislators, legislative agencies and legislative commissions.

f) Persons who are employees of departments, divisions, or agencies of State government, and who appear before committees of the House and Senate for the purpose of explaining how the passage of or action upon any legislation then pending before such committees will affect said departments, divisions or agencies of State government. No communication by a department, division, agency or employees thereof acting within the scope of their employment regarding any executive, legislative or administrative action shall be construed as lobbying activities requiring a department, division or agency of State government or its employees to register under this Part. Persons who possess technical skills and knowledge relevant to certain areas of executive, legislative, or administrative actions, whose skills and knowledge would be helpful to officials regardless of whether such assistance was requested when considering such actions, whose activities are limited to making occasional appearances for or communicating on behalf of a registrant and who do not make expenditures that are reportable pursuant to Subpart C of this Part even though receiving expense reimbursement for such occasional appearances.

g) Any full-time employee of a bona fide church or religious organization who represents that organization solely for the purpose of protecting the right of the members thereof to practice the religious doctrines of such church or religious organization.

h) Persons who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station or other bona fide news medium which in the ordinary course of business disseminates news, editorial or other comment, or paid advertisements which directly urge the passage or defeat of legislation. Persons who receive no compensation from their immediate employer or association other than reimbursement for expenses of up to \$500 per year while engaged in lobbying State government, unless those persons make expenditures that are reportable under Subpart C of this Part.

1) This exemption shall not be applicable to such an individual insofar as he receives additional compensation or expenses from some source other than the bona fide news medium for the purpose of influencing executive, legislative or administrative action.

2) This exemption does not apply to newspapers and periodicals owned

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by or published by trade associations and profit corporations engaged primarily in endeavors other than dissemination of news.

i) Any attorney in the course of representing a legal client in any administrative or judicial proceeding in which ex parte communications are not allowed and who does not make expenditures that are reportable under Subpart C, or any witness providing testimony in any administrative or judicial proceeding, in which ex parte communications are not allowed and who does not make expenditures that are reportable pursuant to Subpart C of this Part. The act of representing a legal client in any administrative or judicial proceeding begins with the retaining of legal counsel for that purpose.

j) Persons who, in the scope of their employment as a vendor, regardless of any ownership interest in same, offer or solicit an official for the purchase or lease of any goods or services where:

- 1) said solicitation is limited to either an oral inquiry or written advertisements and informative literature; or
- 2) said goods and services are subject to pre-qualification or competitive bidding requirements of the Illinois Purchasing Act, Architectural, Engineering, and Land Surveying Qualifications Based Selections Act, State Paper Purchasing Act, State Printing Contracts Act, Governmental Joint Purchasing Act, and Minority and Female Business Enterprise Act; or
- 3) said goods and services are for sale at a cost not to exceed \$5,000; and
- 4) such persons do not make expenditures that are reportable under Subpart C of this Part. (Section 4 of the Act)

k) National, State, county or local political subdivisions, including municipalities, school districts, and other units of local government, and elected elected or appointed officers or employees thereof who, within the scope of their public office or employment, lobby exclusively for one of the aforementioned units of government of national, state, county or local political subdivisions, including municipalities, and units of local government, who, independently within the scope of their public or party office, lobby State government. However, any officer or employee thereof who participates in a Grass-Roots Lobbying Event must report expenditures reimbursed by anyone other than the unit of government he or she represents through a registered entity pursuant to Section 560-325.

l) Any person not previously required to register pursuant to Section 560-210 who engages in a direct lobbying communication on behalf of a registrant and who does not make reportable expenditures in an aggregate amount in excess of \$100 within a calendar year shall report to the registered entity using a Lobbyist Expenditure Notification Form GR-7 as if the expenditure were made in conjunction with a Grass-Roots Lobbying Event if the annual aggregate amount of reportable expenditures is in excess of \$100; the person not previously required to register pursuant to Section 560-210 shall

register within thirty (30) business days from the date of making the expenditure:

1m) Persons who make incidental contacts with officials at business town meetings, workshops, educational programs, banquets, events, for distribution of awards or other social functions where executive, legislative or administrative action is discussed openly to the entire group and who do not make a reportable expenditure pursuant to Subpart C, other than by the sponsoring group providing a meal, gift or honorarium not in excess of \$100. However, a registered entity must report expenses in connection with hosting large gatherings (see Section 560-320) or any gift or honorarium including the price of a meal or travel in connection with an official attending such an event. However, the person or entity sponsoring the event or making a reportable expenditure in connection with the event is not exempt from registering under this subsection.

nn) Individuals or entities employed by salaried employees of a registered entity or an affiliated group or any other participants participant in a Grass roots lobbying event Grass-Roots Lobbying Event whose lobbying activity is limited to participation at a Grass roots lobbying event Grass-Roots Lobbying Event, and who report expenditures to the registered entity as prescribed by Section 560.325. Any reportable expenditure made in connection with the event. However, persons or entities performing contractual Grass roots lobbying communication Grass-Roots Lobbying Communication services involved in organizing a Grass roots lobbying event or communication Grass-Roots Lobbying Event shall register as a lobbyist pursuant to Section 560-220(b)(2)(A) if there is contact with officials other than the routine communication which is the subject of the contract.

no) Persons who provide professional services, technical skills or perform ministerial functions in conjunction with an executive, legislative or administrative action including advice or analysis offered as a part of providing comments sought to a proposed executive, legislative or administrative action. For example, drafting an opinion on a proposed or adopted executive, legislative or administrative action as to the construction or effect of that proposed action or rendering technical advice on the performance or operational capability of a piece of equipment during contract negotiations shall not subject a person to registration pursuant to this Part. Similarly, ordinary ministerial functions which by their very nature require routine written correspondence or contact with officials shall not subject a person to registration pursuant to this Part. (for example, an assistant arranging an appointment between a lobbyist and an official). However, any direct lobbying communication by a hired lobbyist whether or not in conjunction with a reportable expenditure is considered an effort to influence requiring that person and that person's employing entity to register pursuant to this Part.

(Source: Amended at 21 Ill. Reg.

405, effective

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Section 560.220 Registration Requirements

- a) Every person required to register under Section 560.200 shall register each and every year, or before any such service is performed which requires the person to register. No person shall engage in lobbying or employ any person for the purpose of lobbying who is not registered with the Office of the Secretary of State except on condition that the person register and the person does in fact register within ten (10) working days of an agreement to conduct any lobbying activity (Section 5 and Section 3(b) of the Act). Every registered entity shall designate a person as an authorized agent. Authorized Agent (see Sections 560.100 and 560.205) who shall be responsible for reporting under this Part. A registrant may assume the position of Authorized Agent for reporting purposes under this Part. A registrant may hire a person as Authorized Agent who need not be a registered lobbyist to prepare reports for the registered entity.
- b) The authorized agent A person engaged in lobbying shall file an Entity Lobbyist Registration Statement and an appropriate attachment (a) Exclusive Lobbyist Information Statement for all persons who lobby exclusively for the entity even if lobbying is a small percentage of that person's job duties. The authorized agent Registrants shall use official forms or copies thereof for the submission of registration statements (see Section 560.405).
- 1) Lobbying on own behalf
- A) A lobbying entity employing a lobbyist on its own behalf shall file a Lobbyist Registration Statement Form R1 along with appropriate Lobbyist Registration Attachment R1/R2.
- B) A Lobbyist Registration Attachment R1/R2 must be filed with the Lobbyist Registration Statement for each individual who is self-employed or employed with a lobbying entity on a full-time or part-time basis in a position performing services on behalf of the employer/self.
- 2) Lobbying on behalf of others
- A) A lobbying entity who performs lobbying or grass-roots lobbying communication services on behalf of another shall file Lobbyist Registration Statement Form R2 along with the appropriate Lobbyist Registration Attachment R1/R2.
- B) A Lobbyist Registration Attachment R1/R2 must be filed with the Lobbyist Registration Statement for each individual who is self-employed or employed with a lobbying entity on a full-time or part-time basis performing contractual lobbying services on behalf of another.
- 3) Persons solely engaged in grass-roots lobbying as an employee of a registered entity or an affiliated group participating in a Grass-roots Lobbying Event who make a reportable expenditure in connection with the event and whose lobbying activity is limited

to participation at a Grass-Roots Lobbying Event is excluded from registering but must report all reportable expenditures to the registered entity pursuant to Section 560.325.

- c) Upon the beginning of each calendar year, entities persons required to register under Section 560.200 shall register by January 31 for that year if its lobbyist activities are continuing their employment contractual or otherwise is in effect from the previous year. By December 15 of each year, the Secretary of State Index Department will send to all current authorized agents registrants reminder notices of the January 31 deadline. Any person or entity who has not re-registered registered by January 31 is deemed not to be engaged in lobbying activities for that calendar year, and will not be sent further notices from the Secretary of State Index Department.
- d) The following information shall be filed in the Office of the Secretary of State Index Department Registration Information shall be submitted in the format prescribed in Appendix A and shall contain the following information:
- 1) The name and address of the registrant.
- 2) The name and address of the person or persons employing or retaining the registrant to perform such services or on whose behalf the registrant appears.
- 3) A brief description of the executive, legislative, or administrative action in reference to which such service is to be rendered.
- 4) A picture of the registrant (Section 5 of the Act).
- e) For the purpose of reporting under this Part, a lobbyist is deemed to be employed full-time or part-time according to the classification given by the person who employs. Full-time status does not require the person to be employed only by the registered entity, but that the salary fee or compensation paid to that person is solely attributed to the person's lobbying activity performed for that entity.
- d) Registration statements shall be filed in accordance with the definition of "filing" (see Section 560.100) with the Secretary of State Index Department, 111 East Monroe Street, Springfield, Illinois 62756. Statements may be filed in person between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, excluding official State holidays, or may be sent by mail if the filing deadline falls on a weekend or official State holiday, the deadline will be extended to the next business day.
- e) All registration statements shall include an annual, non-refundable, non-transferable registration fee, assessed as follows, in the form of a check or money order made payable to the Secretary of State: All persons engaged in lobbying activity shall submit a registration fee along with their registration statement. All registration statements must be accompanied by at least a single annual and non-refundable \$50 registration fee in the form of a check or money order made payable to the Secretary of State. The following persons must register:

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1) An entity's registration shall include a \$50 registration fee for the entity. However, a self-employed independent contract lobbyist who does not lobby under an assumed business name and who has no employees engaged in lobbying activities may submit a single annual fee of \$50 and need not pay an entity fee. Individuals solely employed by a firm, partnership, committee, association, corporation or any other organization or group of persons who are engaged in lobbying on their own behalf, on a part-time or full-time basis, shall pay a \$50 registration fee to be included with the employer's registration statement.

2) An entity's registration shall include a \$50 single, annual, non-refundable, non-transferable registration fee for each person registering as a lobbyist on an Exclusive Lobbyist Information Statement. The entity should submit one check or money order for the total amount owed. For example, an entity registering 5 lobbyists should submit one check for \$300, rather than 6 checks for \$50. Individuals engaged in lobbying on behalf of another pursuant to a contractual agreement shall pay a \$50 registration fee to be included with their individual registration statement or the registration statement of the employing entity engaged in lobbying activity on behalf of another.

3) Any lobbying entity who employs a lobbyist, whether contractually or otherwise, shall submit a registration statement and a separate \$50 registration fee. This \$50 registration fee is in addition to any fees submitted by any lobbyist(s) registering on the employer's behalf.

4) The Secretary of State Index Department will send an acknowledgment to each authorized agent registrant indicating the date of receipt for all statements delivered by mail or in person. Acknowledgment of a complete registration filing will be sent only if the statement meets the definition of "filed" in Section 560.100 is accompanied by the proper registration fee or late filing fee.

5) Persons solely engaged in grass roots lobbying as an employee of a registered entity or a participant in a grass roots lobbying event who make a reportable expenditure are required to register unless the expenditure is reported to the registered entity pursuant to Section 560.326.

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1997)

Section 560.230 Failure to Register (Repealed)

Failure to file a registration statement within the time designated may constitute a violation of this Part. Inadvertent error or omission in the filing of a registration statement shall not be deemed as a willful failure to file or as a willful filing of false or incomplete information if due diligence can be shown. The Secretary of State Index Department shall notify by

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certified mail the person or the Authorized Agent for any person upon whom a written inquiry pursuant to Section 560.400(e) has been made regarding a person who is not registered. The person or Authorized Agent for a registrant as the case may be shall respond within thirty (30) days by registering or providing a statement indicating that such person is not required to register under these rules.

(Source: Repealed at 21 Ill. Reg. 405, effective JAN 1997)

SUBPART C: REPORTING REQUIREMENTS

Section 560.300 Persons Required to File Expenditure Reports

- a) Except as otherwise provided in this Section, every person required to register as prescribed in Section 560.200 shall report under oath to the Secretary of State all expenditures for lobbying made or incurred by the lobbyist on his behalf or the behalf of his employer (Section 6 of the Act). For the purpose of this Subpart, "expenditures" shall refer to reportable expenditures made on behalf of officials in the four categories described in Section 6 of the Act and Section 560.310. Expenditures shall be reported in the format prescribed in Appendix-B.
- b) In the case where an individual is solely employed by another person to perform job related functions, any part of which includes lobbying, the employer shall be responsible for reporting all lobbying expenditures incurred on the employer's behalf as shall be identified by the lobbyist to the employer preceding such report (Section 6 of the Act). The authorized agent for each registered entity shall file one expenditure report that includes all expenditures made by persons who lobby exclusively for that entity, and reimbursed expenditures made by persons who do not lobby exclusively for that entity. Lobbyists shall submit their expenditure information to the authorized agent for their registered entity, and shall not file separate expenditure reports. Persons who are required by Subpart-B to register must register before making reportable expenditures for or on behalf of officials. For expenditures in excess of \$100, the registrant's report shall identify the individual who incurred the expenditure. On the employer's behalf (see Section 560.305(f)). This report shall be filed in the format prescribed by Appendix-B.
- c) Persons and entities that do not lobby exclusively for one registered entity shall report all expenditures which were not reimbursed by employers (i.e., clients), including expenditures to establish goodwill with officials which were not on behalf of a client. Contractual lobbyists shall report all non-reimbursed expenditures. Employers shall report all expenditures reimbursed to the contractual lobbyist as if the expenditure were made directly to the recipient of the expenditure (see 560.100). Recipient of Expenditure. The employer need not report any salaries, fees, or other compensation to

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the-contradictory-lobbyist-(see-Section-560.360)-

- d) Any additional-lobbying-expenses-incurred-by-the-employer--which-are separate--and--apart--from-those-incurred-by-the-contradictory-employee shall-be-reported-by-the-employer- (Section-6-of-the-Act)
- d) Participants in grass roots lobbying events who make reportable expenditures shall file reports as prescribed by Section 560.325. The registered-entity-initiating-or-sponsoring-a-Grass-Roots-Lobbying Event--shall-report-all-such-reportable-expenditures-for-or-on-behalf of-an-official-made-by-participants-in-the-grass-roots-lobbying expenditures-for-or-on-behalf-of-an-official-made-by-participants-in the-grass-roots-lobbying-event-under-Subpart-C-of-this-Part, whether reimbursed--or--not--as-a-part-of-its-lobbying-expenses-reportable-for that-period-(see-Section-560.325-and-560.355)-the-reporting-of--such expenditures--will--be--accomplished--by--filing-with-the-Secretary-of State-Index-Department-the-Grass-Roots-Lobbyist-Form-GR-L--returned-by the-participants--to--the--registered-entity--the--filing--of--all the-participants--grass-roots-lobbying-forms--will-be-included-with-the filing-of-the-lobbyist--expenditure-report--for--the--next--reporting period-

(Source: Amended at 21 Ill. Reg. 405- , effective JAN 1 1997)

(Source: Amended at 21 Ill. Reg. 405- , effective JAN 1 1997)

Section 560.305 Time, Place and Manner for Filing Expenditure Reports

- a) A semi-annual report under this Section shall be filed by July 31, for expenditures from the previous January 1 through the later of June 30 or the final day of the regular General Assembly session, and an annual report by January 31, for expenditures from the entire previous calendar year January 1 - December 31 (Section 6 of the Act). Registrants shall use official forms for the submission of expenditure reports (see Section 560.405).
- b) Expenditure Reports shall may be filed in accordance with the definition of "filing" (see Section 560.100). Reports may also be faxed to the Index Department at 217/524-0930. Person--or--by--mail between--the--hours--of--9--a.m.--and--4:30--p.m.--Monday-through-Friday--at Secretary--of--State--Index-Department--111--East--Montrose--Street Springfield--Illinois--62756
- c) The Secretary of State Index Department will mail send to authorized agents registrants an acknowledgment of filing indicating the date of receipt for all reports delivered by mail or in person. An acknowledgment will be sent only if the report is sworn under oath (i.e., notarized,) and meets the definition of "filed" in Section 560.100.
- d) Within thirty (30) ten-(10)-business days after a reporting deadline, the Secretary of State Index Department shall notify authorized agents send-to-registrants-notification-of-their-failure-to-file-a-report.
- e) Any change-in-address-must-be-submitted-in-writing-to-the-Secretary-of

State-Index-Department-within-ten-(10)-business-days-of-the-change-
e) If adjournment--of the regular General Assembly session adjourns is later than June 30, the filing period for the semi-annual report may be extended accordingly by notice from the Secretary of State Index Department to all Authorized Agents of registered entities.

(Source: Amended at 21 Ill. Reg. 405- , effective JAN 1 1997)

Section 560.310 Categorizing Expenditures

- a) Expenditures attributable to lobbying officials shall be listed and reported according to the following categories:
- 1) travel and lodging on behalf of others;
 - 2) meals, beverages and other entertainment;
 - 3) gifts;
 - 4) honoraria.

Note: Public Act 89-405 added Section 2-110 of the Governmental Ethics Act [5 ILCS 420/2-110] to prohibit members of the General Assembly from accepting any honorarium. This amendment to the Governmental Ethics Act [5 ILCS 420/2-110] applies only to members of the General Assembly and contains no similar prohibition with respect to the acceptance of honoraria by other officials. The-report-shall-itemize-each-individual expenditure-or-transaction-over-\$100-and-shall-include--the--name of--the-official--on--whose-behalf-the-expenditure-was-made--the name-of-the-official-on-whose-behalf-the-expenditure-was-made--the total--amount--of--the-expenditure--the-date-on-which--the expenditure-occurred--and--the-subject-matter--of--the-lobbying activity--if-any (Section-6-of-the-Act)--if-there-is-no-subject matter-pertaining-to-lobbying-activities-in-connection-with--an expenditure--for-or-on-behalf-of-an-official-the-term--good-will should-be-reported--as--the-subject-matter--(see-Appendix-B)- Allocation-is-permitted-for-determining-the-itemization-threshold (see-Section-560.315)-

- b) The report shall itemize each individual expenditure or transaction over \$100 and shall include the name of the official on whose behalf the expenditure was made, the name of the client on whose behalf the expenditure was made, the total amount of the expenditure, the date on which the expenditure occurred and the subject matter of the lobbying activity, if any (Section 6 of the Act). If there is no subject matter pertaining to the lobbying activity in connection with an expenditure, the term "goodwill" should be reported as the subject matter. Allocation is permitted for determining the itemization threshold (see Section 560.315). Expenditures-attributable-to-lobbying officials--shall-be-listed--and--reported--according-to-the-following categories (see-also-Appendix-B):
- 1) travel-and-lodging-on-behalf-of-others;
 - 2) meals--beverages--and--other--entertainment;

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3) gift

4) honoraria-

- c) Individual expenditures required to be reported as described herein which are equal to or less than \$100 in value need not be itemized but are required to be categorized and reported by officials listed by the registrant on Schedule-B in an aggregate total in the manner prescribed by the Expenditure Report Non-Itemized Schedule Appendix-B (Section 6 of the Act). Allocation is permitted for determining the itemization threshold (see Section 560.315).

(Source: Amended at 21 Ill. Reg. 405-1-1, effective JAN 1 1997)

Section 560.315 Allocating Expenditures

- a) For reporting purposes, the registrant may allocate the expenditure or transaction, including gratuity, by prorating the total cost of the transaction amount among the number of beneficiaries (officials and non-officials), regardless of whether they qualify as an official or a non-official. Example: If an expenditure or transaction is made for a group of fewer than twenty-five (25) persons, where the total number of both officials and non-officials is five, the total cost is divided by the number of both officials and non-officials, i.e., five. Example: A lobbyist buys dinner for a group of five persons, two of whom are officials and three of whom are non-officials who are not immediate family members of an official. The per-reporting-purpose total cost of the expenditure or transaction is divided by five to compute whether the expenditure is required to be itemized, i.e., exceeds \$100 per beneficiary or reported as a non-itemized expenditure. If each beneficiary's share is \$100 or less, the transaction is reportable as a non-itemized expenditure.

- b) Alternatively, when the transaction includes more than one beneficiary (officials and non-officials), the registrant may report the exact amount expended for or on behalf of an individual official, adding the gratuity, by prorating the total gratuity among the number of beneficiaries, both officials and non-officials.

- c) To be included in the allocation calculation, the lobbyist(s) must be present and participating at the event where the expenditure occurred. If lobbyists for more than one registered entity divide the bill for a single transaction, each lobbyist must report an expenditure for each official in attendance. When two or more lobbyists divide the bill for an expenditure or transaction as in the example above, each must report their share of the amount expended as required in this Part; however, when the division of multiple payors brings the allocated amount below the itemization threshold, the expenditure must be reported in Schedule A as itemized regardless of whether the amount divided is in excess of \$100.

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(Source: Amended at 21 Ill. Reg. 405-1-1, effective JAN 1 1997)

Section 560.320 Hosting Large Gatherings and Giveaways

- a) Expenditures incurred for hosting receptions, benefits and other large gatherings held for purposes of goodwill or otherwise to influence executive, legislative or administrative action to which there are twenty-five (25) or more State officials invited shall be reported as prescribed in Appendix-B, listing the total amount of the expenditure, the date of the event, the estimated total number of persons in attendance (officials and non-officials), and the estimated number of officials in attendance. (Section 6 of the Act)
- b) A general description of the event and the number of invitations delivered may constitute sufficient evidence that the expenditure need not be itemized, and that the event has been properly categorized under this Section. Example: The fact that all of the members of the General Assembly are invited to an event may constitute sufficient evidence that the event is properly reported under this category: goodwill or otherwise to influence executive, legislative or administrative action where to which there are 25 or more officials receive receiving substantially identical items shall be reported by listing only the total amount of the expenditure, a description of the gift or product sample, the date of purchase or distribution and the estimated number of officials receiving the item. The reportable cost for product samples should be the market price of the product, or if it is not presently being sold, its estimated value.

- c) Options for reporting large gatherings and giveaways that are sponsored by more than one entity:

1) If all sponsors are registered, the total cost of the gathering may be prorated, and each entity's share reported on its own expenditure report. Each entity shall report the information required in subsection (a) of this Section. Alternatively, each sponsor may report the actual amount of its contribution instead of the prorated amount.

2) If one or more of the sponsors are not registered, all sponsoring entities may unite to register an umbrella entity for the purpose of reporting the gathering or giveaway. The umbrella entity reports the information required in subsection (a) of this Section. A registered sponsor need not report the event on its expenditure report. A nonregistered sponsor whose lobbying activities are limited to this sponsorship need not register separately. Alternatively, nonregistered sponsors may register and report as described in subsection (c)(1) of this Section.

3) A nonregistered sponsor who is a member of a registered association may report the expenditure through the association by filing an Expenditure Report Large Gatherings or Giveaways

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Schedule, along with a Grass Roots Lobbying Statement, with the association's authorized agent. The sponsor may use this option only when the association co-sponsors the event or consents to attach the forms to its expenditure report.

- d) A nonregistered sponsor of a large gathering or giveaway held at a national or multi-state conference or seminar at which Illinois officials are expected to attend need not register if its lobbying activity is limited to sponsorship of this event, provided that all persons who register for the conference are invited to the gathering or offered the giveaway item. A sponsor that is already registered under the Act must report expenditures on behalf of Illinois officials to the extent feasible.

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.325 Reporting Expenditures by Participants in Grass Roots Lobbying Events

A Any participant in a grass roots lobbying event (as defined in Section 560.100) Grass-Roots-Bobbying-Event who makes a reportable expenditure shall file a Grass Roots Lobbying Statement with the authorized agent of return--to the sponsoring entity within a-Grass-Roots-Bobbying-Form-SRT-disclosing-any expenditure-made-for-or-on-behalf-of-an-official--no--later--than thirty (30) days from the date of the event. The form shall include the name, residence address, and telephone phone number of the participant making the expenditure; the--name--of--the--recipient--of--the--expenditure; the total amount of the expenditure; and the name and title of separating-the-amount--of--gratuity--if possible--the-total-number-of-persons--including-officials--benefiting--from--the expenditure--naming each official, with--title--benefiting--from--the--expenditure--and--the--subject--matter--if--any--of--the--direct--lobbying--communications--An individual--who If a participant fails to return to the sponsoring entity a Grass Roots Lobbying Statement Bobbyist-Form-SRT disclosing any expenditure made for--or on behalf of an official, or if the registered entity disclaims sponsorship of the event, the participant will be subject to the registration provisions of Section 560.200.

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.326 Registrant's Duties for Grass Roots Lobbying Events

Registered entities that sponsor a grass roots lobbying event shall be required to inform the participants in writing that any reportable expenditures incurred must be disclosed to the authorized agent of the registered entity. The registered entity shall distribute a Grass Roots Lobbying Statement to those participants deemed to have made a reportable expenditure. The authorized agent shall report grass roots lobbying expenditures by filing as an addendum

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to the sponsoring entity's report any Grass Roots Lobbying Statements received from participants pursuant to Section 560.325.

(Source: Added at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.330 Expenditures for Immediate Family Members of Officials

- a) Each individual expenditure required to be reported shall include all expenses made for or on behalf of State officials and members of the immediate family of those persons if the expenditure was made with the intent to influence the official or to promote business goodwill (Section 6 of the Act). The expenditure shall be reportable as if the expenditure were made to the official.
- b) "Immediate family member" shall be defined as a spouse or dependent child of the official.
- c) When a lobbyist registrant is invited to, attends, or acknowledges a gathering that is neither political nor of a business nature where it is customary to give a gift or memorial, e.g., a wedding, hospital stay, funeral, anniversary, graduation, birthday, or holiday celebration, and the gift or memorial is not in excess of \$100, the gift or memorial regardless of whether it is for or on behalf of the official or his or her immediate family member need not be reported under this Part.
- d) Expenditures by a lobbyist for or on behalf of an official who is a member of the lobbyist's immediate family need not be reported under this Part.

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.340 Travel and Lodging Accommodations for Officials

- a) Under the category of travel and lodging, reports shall include, but are not limited to, all travel and lodging accommodations provided free of charge to or on behalf of an official during sessions of the General Assembly when the official would otherwise have to incur the expense on his or her own behalf. (Section 6 of the Act) However, de minimis travel incurred within the legislator's district, or any trip elsewhere under 20 miles, need not be reported.
- b) Examples of Reportable Expenditures:
- 1) a lobbyist gives a ride to an official from Chicago to Springfield;
 - 2) a lobbyist furnishes an official with lodging accommodations at the lobbyist's home, or at a hotel/motel, other--lodging accommodations regardless of whether the accommodations are if located in Illinois.
- c) For any travel or lodging in which the official shares accommodations

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or accompanies the lobbyist registrant and no direct expenditure is made for either lodging or carrier, the expenditure must be reported at market value; e.g., the price of comparable airfare (either commercial or charter), mileage reimbursement or lodging rate allowed by the State of Illinois Travel Regulation Board for members of the General Assembly.

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.350 Personal and Office Expenses

- a) Reasonable and bona fide expenditures made by the registrant for personal sustenance, lodging and travel not on the behalf of an official, office expenses and clerical or support staff need not be reported (Section 6 of the Act) regardless of whether the goods or services are purchased or leased from an entity in which an official has an ownership interest.⁷
- b) Expenses relating to the development, production or distribution of any invitation, announcement, newsletter or grass roots lobbying communication, regardless of whether the communication is sent to shareholders, affiliated members, employees, agents, constituents or officials, need not be reported.
- c) Expenses arising from a retention to any communication by a any candidate or political committee in relation to the candidate's campaign, or other communications by a political party committee registered with the Illinois State Board of Elections or Federal Election Commission, need not be reported.
- d) Any communication by a political committee registered with the Illinois State Board of Elections or Federal Election Commission in connection with a question of public policy referendum to be presented to the electors need not be reported.

(Source: Amended JAN 1 1997 at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.355 Registrant's Duties for Grass Roots Lobbying Events (Repealed)

Registrants initiating or sponsoring a Grass-Roots-Lobbying-Event shall be required to inform the participants in writing that any reportable expenditures incurred under Subpart C must be disclosed to the registered entity. The Authorized Agent shall make available to any participant, and distribute to those participants deemed to have made a reportable expenditure, a Grass-Roots Lobbying Form-GRI for relaying such expenditures to the sponsoring entity. The registered entity sponsor shall report all such expenditures whether reimbursed or not, by filing with the Secretary of State Index-Department any lobbyist expenditure notification Form-GRI, returned by participants disclosing what the participant spent on behalf of officials in connection with

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a-Grass-Roots-Lobbying-Event, pursuant to Section 560.325, Any Grass-Roots Lobbying Form shall be filed as an addendum to the registered entity's lobbyist expenditure report.

(Source: Repealed at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.360 Salaries, Fees and Compensation

Salaries, fees, and other compensation paid to the lobbyist registrant for the purpose of lobbying, and not as a direct reimbursement for a reportable directly-related-to-a-reimbursable expenditure, need not be reported by the employer. However, the employer's report shall include a direct reimbursement of a lobbyist's reportable expenditure, regardless of whether that individual is an employee of, or has an ownership interest in, the firm, partnership, committee, association, corporation or any other organization or group of persons. Reimbursable expenditures are reportable by the firm, partnership, committee, association, corporation or any other organization or group of persons.

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.365 Contributions Reported Under the Election Code

- a) Any monetary or in-kind contribution made by a person or political committee pursuant to Article 9 of the Election Code [410 ILCS 5/9], either monetary or in-kind, as well as any monetary or in-kind expenditure made by a political committee, need not be reported. Tickets purchased for a political fundraising event and which constitute contributions pursuant to Article 9 of the Election Code need not be reported regardless of whether the lobbyist or registered entity who purchases such tickets gives any such ticket or tickets to an official.
- b) Any expenditure by a political committee other than a single candidate or political party relating to travel and lodging; meals, beverages, or entertainment; and gifts or honoraria, made for or on behalf of an official, which is not provided in return for a contribution of equal or greater value by an official to the political committee must be reported. However, the political committee need not register independently if its activities are directed by a registered entity.

(Source: Amended JAN 1 1997 at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.370 Returned Gifts and Honoraria/Reimbursement by Official

Gifts and honoraria returned to the registrant within thirty (30) days of the

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date of receipt need not be reported (Section 6 of the Act). Additionally, any reportable expenditure for which the official reimburses the lobbyist or registered entity within the reporting period need not be reported. A registrant's reports listing gifts or honoraria which have been returned, or other expenditures which have been reimbursed, shall be amended pursuant to Section 560.380, or in lieu of amending the report, the authorized agent may choose to submit a letter of explanation. The amendment shall be filed no later than thirty (30) days from the authorized agent's receipt of the notice of nonacceptance by the official. An official may submit a letter of clarification to the Secretary of State--index Department--to be filed with a lobbyist's expenditure report contesting the disclosure of an expenditure attributed to benefit an official--A letter of clarification will be forwarded to the registered entity who must respond in writing within thirty (30) days of receipt of the notification of the letter of clarification--The Secretary of State will send all notices by certified mail and file the response letter from the registered entity on file with the original letter of clarification by the official.

(Source: Amended at 21 Ill. Reg. 405, effective
JAN 1 1997)

Section 560.372 Official's Clarification Notice

An official may submit a letter of clarification to the Secretary of State Index Department to contest an expenditure attributed to him or her. The clarification notice will be forwarded to the registered entity who shall respond in writing within thirty (30) days after receipt of the notification of the letter of clarification. The official's clarification notice and the registered entity's response shall be public information.

(Source: Added at 21 Ill. Reg. 405, effective
JAN 1 1997)

Section 560.375 Reports in the Absence of Reportable Expenditures

Registered entities that Registrants who made no reportable expenditures during a reporting period shall file an Expenditure Summary Report a report stating that no expenditures were incurred (Section 6 of the Act). All times shall be completed on the form-Schedule-SI-attached-as-Appendix-B-It is noted that Such reports shall be completed and filed in accordance with Sections 560.100 and 560.305 the deadlines as prescribed in this Subpart. 405, effective

(Source: Amended at 21 Ill. Reg. 405, effective
JAN 1 1997)

Section 560.380 Amending Reports

Any change or error in information previously submitted in a statement or

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report shall be disclosed by completing and filing an amended statement or report within thirty (30) days following such change or discovery of the error.

(Source: Amended at 21 Ill. Reg. 405, effective
JAN 1 1997)

Section 560.385 Termination of Lobbying Activities

a) To terminate the registration of an entity, the authorized agent may file with the Secretary of State Index Department a written notification of the termination of lobbying activities and a final expenditure report covering the period of time since the filing of its last report to the date of termination, as determined by the entity. Any registrant except those indicated in subsection (b) of this Section who terminates the employment or duties which required him or her to register under this Part shall give the Secretary of State Index Department within thirty (30) days after the date of such termination, written notice of such termination, and shall include a report of the expenditures described herein, if not employed by a registered entity covering the period of time since the filing of his or her last report to the date of termination of employment. If the lobbyist is employed by the registered entity lobbying on behalf of another person terminating shall provide all reportable expenditures to the Authorized Agent for reporting at the next filing period unless the firm, partnership, committee, association, corporation or any other organization or group of persons terminates lobbying activities. Such notice and report shall be final and relieve said registrant of further reporting under this Part, unless and until he or she later takes employment or assumes duties requiring registration under this Part. (Section 6 of the Act) Alternatively, a registered entity may terminate its lobbying status by permitting the registration to expire on December 31, and not re-registering for the next calendar year. A registered entity that does not renew its registration is still required to file an annual expenditure report pursuant to Section 560.305.

b) To terminate an individual lobbyist from a registered entity, the lobbyist shall notify the Secretary of State within 30 days, as required by Section 6 of the Act, or notify the authorized agent in sufficient time for the authorized agent to notify the Secretary of State within 30 days after the termination that the lobbyist no longer lobbies for that entity. In either case, the lobbyist must provide the authorized agent with copies of expenditure records for the next reporting period. The authorized agent shall include any reportable expenditures incurred by that lobbyist prior to termination in the entity's next report. Registrants who are solely employed by a firm, partnership, committee, association, corporation or any other organization or group of persons lobbying on their own behalf shall

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submit a letter indicating that he or she no longer lobbies for that entity. No reporting of expenditures is due until the next filing period unless the firm's partnership committee or association or a willful filing of false or incomplete information if due diligence can be shown. Within ten (10) days after a filing deadline, the Secretary of State Index Department shall notify by certified mail the authorized agent. Authorized Agent for any registered entity that registrant who is deemed required to file, but has failed to do so. (Section 7 of the Act)

(Source: Amended at 21 Ill. Reg. _____, effective _____, 405-1-1997)

Section 560.390 Failure to File Registration Statements and Expenditure Reports

Failure to file a statement or any such report within the time designated, or the reporting of incomplete information, may constitute a violation of this Part. Inadvertent error or omission of a minimal nature in the completion of a report or statement or document shall not be deemed as a willful failure to file or a willful filing of false or incomplete information if due diligence can be shown. Within ten (10) days after a filing deadline, the Secretary of State Index Department shall notify by certified mail the authorized agent. Authorized Agent for any registered entity that registrant who is deemed required to file, but has failed to do so. (Section 7 of the Act)

- a) A registered entity that Any person who is required to file a registration statement or expenditure report, and who has not filed by the deadlines prescribed in this Part, is subject to the following late filing fees:
 - 1) Filings received within fifteen (15) days after of a filing deadline shall be accompanied by a \$50 late filing fee;
 - 2) A registered entity that Any registrant who fails to file within 15 days shall be subject to a penalty of \$100 which shall be in addition to the \$50 late filing fee specified above;
 - 3) A registered entity that Any person who registers within 30 days after of a deadline for filing expenditure reports may file such report within 30 days after of the deadline without a late filing fee or penalty. Such entity person is subject to the fee schedule above for filing statements and reports later than the 30 day extension.

- b) For good cause shown, the Director of the Index Department may extend the time for compliance for an additional thirty (30) days after the date of the filing deadline. No further extensions of time shall be given. Examples of such extenuating circumstances include, but are not limited to the following:
 - 1) inadvertent data erasure or computer malfunction;
 - 2) hospitalization of the authorized agent.

- 3) vacancy in the position of an Authorized Agent;
- 3) loss of original receipts provided to the Authorized Agent resulting from fire, flood, or other act of nature. Lobbyists must provide replacement expenditure information to the authorized agent for compilation of the entity's report.

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- c) Receipts must be replaced by individual registrant's copies. A registered entity will be liable for the late filing fee and penalty if it does not receive notifications from the Secretary of State's Office due to the entity's failure to inform the Index Department of a change of address or authorized agent.

d) Copies of all records shall be maintained by the Index Department for inspection by the Attorney General or appropriate State's Attorney in the course of his or her activities under Section 11 of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____, 405-1-1997)

Section 560.395 Preservation of Records

- a) A lobbyist, or an authorized agent, if the registered entity prefers, shall preserve for a period of two (2) years from the filing date copies of all receipts and records forwarded to the Authorized Agent which were used in preparing reports under this Part. (Section 6 of the Act)

b) Examples of records which should be maintained include, but are not limited to, the following Pursuant to Section 19 of the Act, the Authorized Agent shall preserve for a period of two (2) years original copies of all receipts and records as itemized below:

- 1) The total of all expenditures made for or on behalf of officials in connection with lobbying activities;
- 2) The full name and mailing address of any recipient of expenditures if subject to itemization;
- 2) Proof of payment stating particulars for every expenditure in excess of \$100;
- 3) The allocation formula used in prorating the proportion of expense(s) incurred for or on behalf of an official when an expenditure or transaction is made for more than one (1) official, but fewer than twenty-five (25);
- 4) A list of the officials invited to a large gathering in order to constitute sufficient evidence that the event is properly reported under this category.

(Source: Amended at 21 Ill. Reg. _____, effective _____, 405-1-1997)

SUBPART D: PUBLIC DISCLOSURE

Section 560.400 Requests for Reports

- a) All requests to view or copy statements or expenditure reports and lists of registrants shall be made in person or submitted in writing. Copies must be paid for in advance (see Section 560.420).
- b) All statements and reports filed under this Part with the Secretary of

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State Index Department shall be available within four (4) business days from the filing date for examination and copying by the public during regular business hours (see Section 560.402) at all reasonable times.

list of officials to all authorized agents registrants when notifying them of their responsibility to re-register each calendar year and again during the course of the year if any amendments are made, or upon request.

- c) The Secretary of State Index Department shall certify respond-to written inquiries with a certificate that an entity or individual is or is not registered pursuant to the Lobbyist Registration Act. The written such inquiry shall include the name and address of the person submitting the request and the name and address of the individual requested and their registered entity, if applicable.

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1 1997)

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.402 Location and Business Hours

Section 560.420 Fees

Expenditure reports and lists of registrants shall be made available to the public at the following fees:

- Paper copies of the list of registrants shall be available free of charge. This list is available on computer disk for \$10.
- Copies of statements or expenditure reports shall be available for \$.50 per page or per microfiche diazo. Only the authorized agent for a registered entity may obtain a free copy of that entity's statements or reports.
- There is no charge to inspect materials filed at the Secretary of State Index Department, 111 East Monroe Street, Springfield, Illinois 62756.
- Certification that an entity or individual is or is not registered pursuant to the Lobbyist Registration Act shall be available for \$2.00.

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.405 Official Forms

Registered entities lobbyists are required to use only the official forms or photostatic copies of official forms and appropriate schedules approved by the Secretary of State Index Department when filing any lobbyist registration statements or reports.

- Copies of official forms may be obtained from the Index Department.
- Alternative methods of reporting are prohibited unless prior written approval has been received from by the Director of the Index Department.
- Prior written approval will be given based on the compatibility of alternative methods with the Index Department's public disclosure procedures.

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1 1997)

Section 560.410 List of Officials

The Secretary of State Index Department shall maintain and make available to registrants a list of position titles deemed by their employing Constitutional Officers to be officials under this Part. The Constitutional Officers may provide this list to the Index Department on an annual basis or as amendments are required. The Secretary of State Index Department shall mail an updated

(Source: Amended at 21 Ill. Reg. 405, effective JAN 1 1997)

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Section 560. APPENDIX A Lobbyist Registration Statements

Section 560. ILLUSTRATION A Form RI: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Employing a Lobbyist on Their Own Behalf (Repealed)

(Source: Repealed, at 21 Ill. Reg. 405, effective 1997)



LOBBYIST REGISTRATION STATEMENT
 FOR INDIVIDUAL/FIRM/PARTNERSHIP/COMMITTEE/ASSOCIATION/CORPORATION
 OR ANY OTHER ORGANIZATION EMPLOYING A LOBBYIST ON THEIR OWN BEHALF

FORM RI

☐ This amends a previous attachment

(Mark only if this amends a previous filing.)

Use attached or contractual individuals providing lobbying services on behalf of a registered entity (attach attachment to previous filing)

I. Name and address of registrant

Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone () _____

Facsimile () _____

(List numbers you wish to appear in the list of registered lobbyists.)

Date Services Began: / /

If Salaried: ☐ Full Time ☐ Part Time

If Contractual: Name of Registered Entity _____

Date Services Began: / /

If Salaried: ☐ Full Time ☐ Part Time

If Contractual: Name of Registered Entity _____

II. Name and address of the Authorized Agent who is responsible for filing reports on behalf of the registrant(s). (An Authorized Agent need not be a registered lobbyist to prepare reports for a registered entity.)

Name _____

Address _____

City _____ State _____ Zip Code _____

Date Services Began: / /

If Salaried: ☐ Full Time ☐ Part Time

If Contractual: Name of Registered Entity _____

An individual lobbyist registration statement, Form RI-1, shall be included for the lobbying entity and each salaried lobbyist named. Contractual lobbyists shall file separate statements pursuant to Rule 1. Pursuant to Section 5 of the Lobbyist Registration Act, the use of a salaried lobbyist requires a single annual and comprehensive RI registration statement required to report and include a single annual and comprehensive RI registration statement.

III. A brief description of the executive, legislative or administrative action in reference to which the person or persons employing or retaining registrant(s) to perform such services are to be rendered (include attachment as if additional listing necessary)

☐ Legislative and/or ☐ Executive Administrative

☐ Legislative and/or ☐ Executive Administrative

☐ Legislative and/or ☐ Executive Administrative

☐ Legislative and/or ☐ Executive Administrative

CERTIFICATION

(Verify that the information contained in this report is true, complete and accurate and that I am an authorized agent responsible for reporting)

SIGNATURE OF AUTHORIZED AGENT OR LOBBYIST _____

DATE OF CERTIFICATION _____

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Section 560. ILLUSTRATION B Form R2: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Who Performs Lobbying Services on Behalf of Another (Repealed)

(Source: Repealed at 21 Ill. Reg. 4053 effective
JAN 1 1997)



LOBBYIST REGISTRATION STATEMENT
FORM
R2

FOR INDIVIDUAL FIRM PARTNERSHIP COMMITTEE ASSOCIATION CORPORATION OR ANY OTHER ORGANIZATION WHO PERFORMS LOBBYING SERVICES ON BEHALF OF ANOTHER

☐ Lobbying Services ☐ Grass Roots Lobbying Communication Services

Check one or both for the method of lobbying services used:

☐ Lobbied or attempted individual performance lobbying or grass roots communication services on behalf of a registered entity (check checkbox as a regular)

☐ This amends a previous attachment.

Mark one if this amends a previous filing:

☐ Name and address of registrant

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

☐ Date Services Began

☐ If Salaried ☐ Full Time ☐ Part Time

☐ If Contractual Name of Registered Entity

III. Name and address of the client retaining registrant(s) to perform such services or on whose behalf the registrant(s) appears, with a brief description of the executive, legislative or administrative action in reference to which such service is to be rendered (attach enclosure as a separate sheet, if necessary)

Name _____ Service Date _____

Address _____

City _____ State _____ Zip Code _____

Description _____

☐ Legislative and/or ☐ Executive Administrative

CERTIFICATION

I verify that the information contained in this report is true, complete and accurate and that I am an authorized agent responsible for reporting

SIGNATURE OF AUTHORIZED AGENT OR LOBBYIST _____

DATE OF CERTIFICATION _____

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Section 560, ILLUSTRATION C Attachment R1/R2: Lobbyist Registration
Attachment - For Individual Lobbyist (Repealed)



LOBBYIST REGISTRATION ATTACHMENT
FOR INDIVIDUAL LOBBYIST IDENTIFICATION

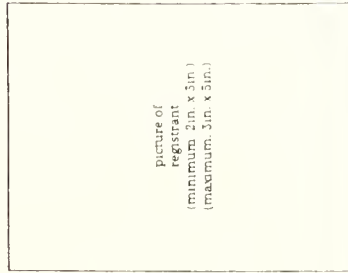
ATTACHMENT
R1
R2

☐ This amends a previous attachment

(Attach and file this amendment's previous filing)

I. Name and address of registrant

Name _____
Residence Address _____
City _____ State _____ Zip Code _____
Business Address _____
City _____ State _____ Zip Code _____
Telephone () _____
Facsimile () _____
Last names only with no initials in the list of registered lobbyists



II. Name and address of registrant employing person to perform such services

☐ If salaried employee lobbying exclusively on behalf of an employer, list name and address of employer as indicated in Part I of the Lobbyist Registration Statement.
☐ If performing contractual services, list name and address of entity employing individual lobbyist who is registered as indicated in Part I of Lobbyist Registration Statement, Form R2.

Name _____
Address _____
City _____ State _____ Zip Code _____

DECLARATION

I declare that I will provide the Authorized Agent with all records and receipts of recordable expenditures in sufficient time for the preparation of expenditure reports, and preserve personal copies of expenditure records and receipts for two (2) years.

SIGNATURE OF INDIVIDUAL LOBBYIST REGISTRANT

DATE OF DECLARATION

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(Source: Repealed at 21 Ill. Reg. effective
JAN 1 1997 405313)

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Section 560, ILLUSTRATION D Form R3: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Lobbyists (Repealed)

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Repealed at 21 Ill. Reg. 405, effective JAN 1 1997)



LOBBYIST REGISTRATION ATTACHMENT
FOR ADDITION OR DELETION OF AFFILIATED INDIVIDUALS
R3

List salaried or contractual individuals performing lobbying or grass roots lobbying services on behalf of a registered entity. (An individual lobbyist registration attachment form R3 must be attached for adding affiliated lobbyists.) Pursuant to Section 5 of the Lobbyist Registration Act, persons required to register shall submit a single, annual, and non-refundable \$50 registration fee.)

☐ Commence ☐ Terminate Service Date / / If Salaried ☐ Full Time ☐ Part Time If Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / If Salaried ☐ Full Time ☐ Part Time If Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / If Salaried ☐ Full Time ☐ Part Time If Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / If Salaried ☐ Full Time ☐ Part Time If Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / If Salaried ☐ Full Time ☐ Part Time If Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / If Salaried ☐ Full Time ☐ Part Time If Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / If Salaried ☐ Full Time ☐ Part Time If Contractual Name of Registered Entity

☐ Commence ☐ Terminate Service Date / / If Salaried ☐ Full Time ☐ Part Time If Contractual Name of Registered Entity

CERTIFICATION

I certify that the information contained in this report is true, complete and accurate and that I am an authorized agent responsible for reporting.

SIGNATURE OF AUTHORIZED AGENT OR LOBBYIST

DATE OF CERTIFICATION

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Section 560. ILLUSTRATION E Form R4: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Clients (Repealed)

(Source: Repealed at 21 Ill. Reg. 405, effective JAN 1 1994)



**LOBBYIST REGISTRATION ATTACHMENT
FOR ADDITION OR DELETION OF AFFILIATED CLIENTS**

R4

List client's information for whom lobbying services on their behalf are being performed by the registrant. (Name and address of the person or persons employing or retaining registrant to perform such services or on whose behalf the registrant(s) appears, with a brief description of the executive, legislative or administrative action in reference to which such service is to be rendered.)

☐ Commence ☐ Terminate Service Date / /

Name _____
Address _____
City _____ State _____ Zip Code _____
Description _____

☐ Legislative and or ☐ Executive Administrative
☐ Commence ☐ Terminate Service Date / /

Name _____
Address _____
City _____ State _____ Zip Code _____
Description _____

☐ Legislative and or ☐ Executive Administrative
☐ Commence ☐ Terminate Service Date / /

Name _____
Address _____
City _____ State _____ Zip Code _____
Description _____

☐ Legislative and or ☐ Executive Administrative
☐ Commence ☐ Terminate Service Date / /

I certify that the information contained in this report is true, complete and accurate and that I am a subcontract agent responsible for reporting.

CERTIFICATION

SIGNATURE OF AUTHORIZED AGENT OR LOBBYIST
DATE OF CERTIFICATION

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Section 560.APPENDIX B Lobbyist Expenditure Reports

NOTICE OF ADOPTED AMENDMENT(S)

Section 560. ILLUSTRATION A Form SI: Lobbyist Expenditure Report - Summary of Reportable Expenditures (Repealed)

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LOBBYIST EXPENDITURE REPORT

SUMMARY OF REPORTABLE EXPENDITURES

FORM
SI

Name of Registrant:

☐ Semi-annual Report
☐ Annual Report
☐ This amended a previous attachment
which was filed with a previous filing

REPORTING PERIOD

COMPLETE ALL SECTIONS FOR REPORTING PERIOD:

Section 1. TRAVEL AND LODGING ON BEHALF OF OTHERS

a. Itemized Expenditures (Schedule A) \$
b. Non-Itemized Expenditure (Schedule B) \$

TOTAL TRAVEL AND LODGING \$

Section 2. MEALS, BEVERAGES AND OTHER ENTERTAINMENT

a. Itemized Expenditures (Schedule A) \$
b. Non-Itemized Expenditure (Schedule B) \$
c. Expenditures for Gatherings (Schedule C) \$

TOTAL MEALS, BEVERAGE AND ENTERTAINMENT \$

Section 3. GIFTS

a. Itemized Expenditures (Schedule A) \$
b. Non-Itemized Expenditure (Schedule B) \$
c. Expenditures for Giveaways (Schedule C) \$

TOTAL GIFTS \$

Section 4. HONORARIA

a. Itemized Expenditures (Schedule A) \$
b. Non-Itemized Expenditure (Schedule B) \$

TOTAL HONORARIA \$

Section 5. SUMMARY FOR REPORTING PERIOD

Total Itemized Expenditures \$
Total Non-Itemized Expenditures \$
Total Expenditures for Gatherings \$
Total Expenditures for Giveaways \$

TOTAL EXPENDITURES FOR REPORTING PERIOD \$

VERIFICATION
I declare that this report (including accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is true, correct and complete as required by the Lobbyist Registration Act. I understand that the penalty for willfully filing a false statement is a business offense with a penalty not to exceed \$10,000.

Submitted to before me this _____ day of _____, 19____
My Illinois Notary Seal: _____
SIGNATURE OF AUTHORIZED AGENT OR LOBBYIST

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Repealed at 21 Ill. Reg. 405, effective JAN 1 1997)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Section 560. ILLUSTRATION B Schedule 1A/2A: Lobbyist Expenditure Report - Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)



LOBBYIST EXPENDITURE REPORT

ITEMIZED EXPENDITURES FOR TRAVEL AND LODGING OR MEALS, BEVERAGES AND ENTERTAINMENT

Schedule
1A
2A

Name of Registrant:

REPORTING PERIOD

FROM 1/1/96 TO 12/31/96

Full Name and Address of Recipient of Expenditure Made in Course of 1996	Subject Matter	Name and Title of Official Benefiting on Behalf of the Expenditure Made	Date Incurred	Amount
Name	Subject			
	Client			\$
Name	Subject			
	Client			\$
Name	Subject			
	Client			\$
Name	Subject			
	Client			\$
Name	Subject			
	Client			\$
Name	Subject			
	Client			\$
Name	Subject			
	Client			\$
Name	Subject			
	Client			\$
Name	Subject			
	Client			\$

(THIS FORM MAY BE REPRODUCED)

TOTAL TABS PERIOD 1
(Last Page Only)

PAGE 1 OF 1

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NOTICE OF ADOPTED AMENDMENT(S)

(Source: Repealed at 21 Ill. Reg. 4053, effective
JAN 1 1997)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 560. ILLUSTRATION C Schedule 1B/2B: Lobbyist Expenditure Report -
Non-Itemized Expenditures for Travel and Lodging or Meals, Beverages and
Entertainment (Repealed)

**LOBBYIST EXPENDITURE REPORT**

NON-ITEMIZED EXPENDITURES FOR TRAVEL AND LODGING
OR MEALS, BEVERAGES AND ENTERTAINMENT.

Schedule
1B
2B

Name of Registrant:

REPORTING PERIOD

FROM THRU

Name and Title of Official Benefiting on behalf of the expenditure made	Aggregate Amount	Name and Title of Official Benefiting on behalf of the expenditure made	Aggregate Amount
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$

(THIS FORM MAY BE REPRODUCED)

TOTAL THIS PERIOD \$

(Last Page Only)

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NOTICE OF ADOPTED AMENDMENT(S) 405-

(Source: Repealed at 21 Ill. Reg. effective JAN 1 1997)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 560. ILLUSTRATION F Schedule 3B/4B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Gifts and Honoraria (Repealed)



LOBBYIST EXPENDITURE REPORT

NON-ITEMIZED EXPENDITURES FOR GIFTS OR HONORARIA

Schedule
3B
4B

Name of Registrant:

REPORTING PERIOD

FROM TO

General Description of Gifts or Honoraria	Name and Title of Official Benefiting on behalf of the expenditure made	Estimated Aggregate Value of Gifts or Honoraria
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$

(THIS FORM MAY BE REPRODUCED)

PAGE

TOTAL THIS PERIOD \$ (Last Page Only)

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NOTICE OF ADOPTED AMENDMENT(S)

(Source: Repealed at 21 Ill. Reg. 405 effective JAN 1 1997)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 560. ILLUSTRATION G Schedule GRI: Lobbyist Expenditure Notification - Expenditures in Connection with a Grass Roots Lobbying Event (Repealed)



LOBBYIST EXPENDITURE NOTIFICATION

SPENT ON BEHALF OF OFFICIALS IN CONNECTION
WITH A GRASS ROOTS LOBBYING EVENT



Name of Lobbying Entity Sponsoring Event:

☐ This amends a previous attachment.

Mark date of this amendment's previous filing

I. Name and address of Grass Roots Lobbyist:

Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone: _____

II. Name and Address of Recipient of Expenditure:

Name _____

Address _____

City _____ State _____ Zip Code _____

III. Description of Subject Matter:

IV. Number Benefiting

Officials _____

Non-Officials _____

V. Expenditures:

Amount Spent on Event: \$ _____

Amount of Outlay: \$ _____

Total Amount Spent: \$ _____

CERTIFICATION

I certify that the information contained in this report is true, complete and accurate, and that I made this expenditure in connection with a grass roots lobbying event and have submitted this notification to the appropriate entity in a timely manner for recording and public release. If a lobbyist, I agree to pay the cost of this notification.

Submitted to before me this _____ day of _____, 19____

Attest: Illinois Notary Seal

SIGNATURE OF GRASS ROOTS LOBBYIST

(Notary Public)

Grassroots Lobbying Event Date: _____

Name and Title of Official Benefiting
on behalf of the expenditure made

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NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Repealed at 21 Ill. Reg. 405 effective
JAN 1 1997)

3) Section Number(s): Adopted Action:

1002.20 Amendment
1002.30 Amendment
1002.42 New Section
1002.45 Amendment
1002.60 Amendment
1002.70 Amendment

4) Statutory Authority: Authorized by Sections 2-123, 2-104, and 2-107 of the Illinois Vehicle and Title Registration Law (625 ILCS 5/2-123, 2-104, and 2-107) and 18 U.S.C 2721.

5) Effective Date of Rule: January 1, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: December 22, 1996

9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 12343, September 13, 1996

10) Has JCAR issued a Statement of Objections to these amendments? Yes

a) Date and Register citation to objection: Not yet published

b) Date and Register citation to agency's response: Response is being filed concurrently with this notice

c) Date agency submitted response to JCAR: December 20, 1996

11) Differences between proposal and final version: Technical, non-substantive changes suggested by JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: The Drivers Privacy Protection Act (18

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SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

U.S.C. 2721) enacted by Congress on August 24, 1994 prohibits disclosure of personal information for commercial purposes unless the individual is provided with a clear and conspicuous opportunity to opt out of the sales list. The opt out program now in place fails the "clear and conspicuous" standard. The Secretary of State has decided to increase privacy protection of individual citizens by discontinuing the sales of these lists for commercial purposes.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Carol Sudman
Secretary of State
Room 298, Howlett Building
Springfield, Illinois 62756
217/785-3094

The full text of the Adopted Rules begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1002
SALE OF INFORMATION

Section		Title
1002.10	Applicability	
1002.20	Definitions	
1002.30	Fees	
1002.40	Requests	
1002.42	Impermissible Uses of Personal Information	
1002.45	Request for an Individual's Driving, Registration, or Title Information	
1002.50	Lists of Purchasers	
1002.60	Contract	
1002.70	Public Records	
1002.80	Lists of Licenses	
1002.90	Social Security Numbers	

AUTHORITY: Implementing Section 2-123, and authorized by Sections 2-104, 2-107, and 2-123, of the Illinois Vehicle Title and Registration Law [625 ILCS 5/2-123, 2-104 and 2-107], and 18 U.S.C. 2721.

SOURCE: Emergency rules adopted at 7 Ill. Reg. 11760, effective September 14, 1983; adopted and codified at 8 Ill. Reg. 2522, effective February 11, 1984; amended at 16 Ill. Reg. 13088, effective August 11, 1992; amended at 18 Ill. Reg. 18118, effective December 9, 1994; amended at 21 Ill. Reg. 4686, effective JAN 1 1997.

Section 1002.20 Definitions

"Attorney" - an individual who is licensed to practice law

"Automobile associated businesses" - shall include but not be limited to new or used vehicle dealerships, vehicle rental agencies, and tow truck operators

"Commercial Purchasers" - individuals and business entities who enter into a written agreement to buy all or a portion of the driver's, title, or vehicle list or individual records in bulk.

"Commercial Solicitation Purposes" - the use of the drivers, vehicle drivers or title list ~~title list~~ to contact individuals for advertising, offering for sale, marketing or sale of products or services, or identifying potential employees, except for the United States armed forces.

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"Director" - the Director or Acting Director of either Driver Services or Vehicle Services, depending on the context

"Driver Services" - the Department of Drivers Services of the Office of the Secretary of State

"Drivers list" - the entire list or any part thereof of all licensed drivers by the State of Illinois, the information contained on the list includes the driver's name, address, weight, height, sex, color of eyes, color of hair, and date of birth, county of residence, zip code, license, classification, license restriction codes, and license issue and expiration dates

"Driving abstract" - a record kept by the Department of Drivers Services on each driver licensed by the State of Illinois, containing all information required by Section 6-106(b) of the Illinois Vehicle Code, and all records of each driver's violations of the traffic laws, and administrative actions pertaining to driving privileges

"DUI listing" - a periodic listing of persons who have been convicted of Driving Under the Influence or have a statutory summary suspension or any suspension resulting from the receipt of the Sworn Report issued to a driver as the result of an alcohol or drug related traffic violation and/or revocation in effect on his/her driving record. The listing contains the person's name, driver's license number, address, and length of suspension and revocation

"Employers" - individuals or business entities, which permit individuals to work, when requesting information concerning current or prospective employees

"Financial institutions" - banks, savings and loans, and credit unions, but shall not include currency exchanges

"Government agencies" - units of local, State state, or federal governmental agencies or elected governmental officials, including, but not limited to, Representatives, Senators, Congressmen, park board members, county board members, and school districts

"Insurers" - any insurance agent or company as defined in Section 2(e) of the Illinois Insurance Code authorized by the laws of any state to transact the business of insurance, and shall include all employees of such agent or company

"Law Enforcement Officials" - police agencies, state's attorneys' offices or court officials

"News medium" - any newspaper or other periodical issued at regular

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

intervals and having a general circulation; a news service; a radio station; a television station; a community antenna television service; and any person or corporation engaged in the making of news reels or other motion picture news for public showing

"Office" - the Office of the Secretary of State and not any particular department, address, or location

"Other business entities for purposes consistent with the Illinois Vehicle Code" - licensed remitters when requesting title or registration information; public libraries, public educational institutions, and private educational institutions when requesting driving records, or registration or title information

"Personally Identifiable Information" or "Personal Information" - for per driving records, the information regarding the driver's address, telephone number, driver's license number, weight, height, sex, color of eyes, color of hair, date of birth, restrictions, or endorsements and classification codes of the driver's license, county of residence, and zip code, Circuit Court County which imposed the conviction or County of venue for driver's license sanctions; for title or vehicle records, the information regarding the vehicle owner's address, county of residence, and telephone number or registration owner's address, county of residence, and telephone number

"Reporters" - any person regularly engaged in the business of collecting, writing or editing news for publication through a news medium; and includes any person who was a reporter at the time the information sought was procured or obtained

"Request" - the written application upon the designated form or an acceptable alternative for the obtaining of a drivers list, vehicle list, title list, or a driving abstract

"Secretary" - the Secretary of State of Illinois

"Section 2-123" - Section 2-123 of the Illinois Vehicle Code [625 ILCS 5/2-123]

"Title list" - the list of all vehicles titled by the State of Illinois

"Vehicle list" - the list of all vehicles by identification number, with the name and address of the owners, which are registered by the State of Illinois

"Vehicle Services" - the Department of Vehicle Services of the office of the Secretary of State

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NOTICE OF ADOPTED AMENDMENT(S)

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(Source: Amended at 21 Ill. Reg. 466-, effective JAN 1 1997)

Section 1002.30 Fees

Drivers, vehicle, and title information shall not be sold for commercial solicitation purposes.

a) Fees for lists:

- 1) The fee for the sale of drivers list pursuant to paragraph (a) of Section 2-123 is \$500.00.
- 2) The fee for the sale of a drivers list pursuant to paragraph (b) of Section 2-123 is \$200 plus \$20 per 1,000 names, with a minimum cost of \$500.00.
- b) The fees for title and vehicle information provided to public entities pursuant to Section 2-123(a) shall be as follows:
 - 1) for title lists or parts thereof, \$600;
 - 2) for lists of recent title transactions, \$100;
 - 3) for passenger vehicle lists or parts thereof, \$300;
 - 4) for miscellaneous vehicle lists or parts thereof, \$200;
 - 5) for International Reciprocity Plan vehicle lists or parts thereof, \$100;
 - 6) for computer searches of specific vehicle registration plate numbers, \$100.
- c) The fees for title and vehicle information provided to private entities pursuant to Section 2-123(b) shall be as follows:
 - 1) for title lists or parts thereof, \$200 plus \$20 per 1,000 records, or the actual cost or \$600, whichever is greater;
 - 2) for lists of recent title transactions, \$200 plus \$20 per 1,000 records, or the actual cost, whichever is greater;
 - 3) for passenger vehicle lists or parts thereof, \$200 plus \$20 per 1,000 records, or the actual cost of \$300, whichever is greater;
 - 4) for International Reciprocity Plan vehicle lists or parts thereof, \$200 plus \$20 per 1,000 records or the actual cost thereof, whichever is greater;
 - 5) for computer searches of specific vehicle registration plate numbers, \$200 plus \$20 per 1,000 records, or the actual cost thereof, whichever is greater.
- d) The information sold pursuant to subsection paragraph (a) or paragraph (b) of this Section shall be provided on computer tape furnished by the purchaser. Such information as requested will be provided on standard computer paper for an additional fee of 50¢ per page; the maximum number of records that may be so provided shall be 15,000 per request.
- e) The fees for additional copies of registration lists provided to public entities pursuant to Section 2-123(d) shall be as follows:
 - 1) for a complete list, \$80;
 - 2) for a partial list (up to one-half of the complete list), \$40.
- f) The fees for registration lists provided pursuant to Section 2-123(e)

shall be as follows:

- 1) for a complete list, \$400;
- 2) for a partial list (up to one-half of the complete list), \$200
- g) The information sold pursuant to subsection paragraph (e) or paragraph (f) of this Section shall be provided on microfiche.
- h) All fees, other than those paid by governmental agencies, shall be paid in advance of the delivery of any list to any purchaser.
- i) Fees for information supplied by means of computer connections between the Secretary's computers and those of any other agency, corporation, or person may be paid on a daily or monthly basis for all information delivered during that day or month, as determined by the Secretary and the agency or person to be the economically simplest way of billings.
- j) No fees shall be charged from those local, State, and Federal government agencies who obtain information from the Secretary to enforce criminal laws.
- k) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency incurs all terminal costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.
- l) Computer terminal connection may be allowed to non-governmental agencies provided that the expense of the equipment and communication cost are borne by the non-governmental agency. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the cost-effectiveness of providing the information through computer terminal connections as opposed to other methods, and other factors which may impede the operations of the Office of the Secretary of State. This service will be suspended at any time, should the connection interfere with the Secretary's internal work schedules and processing.

(Source: Amended at 21 Ill. Reg. 466-, effective JAN 1 1997)

1002.42 Impermissible Uses of Personal Information

The Secretary of State shall not sell personal information from the drivers, vehicle or title lists for commercial solicitation purposes, as defined in this Part.

(Source: Amended at 21 Ill. Reg. 466-, effective JAN 1 1997)

Section 1002.45 Request for an Individual's Driving, Registration, or Title Information

- a) If a request is made for an individual's driving record, title, or

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

registration information, the individual shall be notified by the Secretary of the request and the identity of the requestor. No information shall be released to the requestor until 10 days have elapsed from the date notice was mailed to the individual by the Secretary. No personally identifiable information shall be released to a requestor.

- b) The notification, 10-day waiting period, and non-disclosure of personally identifiable information provisions shall not apply to requests made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, family members with expressed consent, the individual himself, reporters or news media, other business entities for purposes consistent with the Illinois Vehicle Code, and entities which register with the Illinois Department of Revenue in compliance with the Retail Occupation Tax Act (86 Ill. Adm. Code 270) when requesting information based upon an existing business relationship with an individual. The exemption to the notification, 10 day waiting period, and non-disclosure of personally identifiable information provisions shall apply to the aforementioned requestors or to an authorized agent of the requestor acting within the scope of their employment if such use is related to the operation of a motor vehicle or public safety.

- c) Requests made by the groups outlined in subsection (b) of this Section shall be exempt from the notification, 10-day waiting period, and non-disclosure of personally identifiable information requirements only if the request is made for an official business purpose which shall be documented by the requestor on the request form submitted to the Secretary.

- d) The notification, 10-day waiting period, and non-disclosure of personally identifiable information outlined in subsection (a) of this Section shall not apply to bulk sale requests which are made through computer tapes or other data processing medium. If an individual requests that his personally identifiable information not be used for commercial solicitation purposes, the Secretary shall document said record that it shall not be used in that manner or the Secretary may withhold said records from the purchaser. Information disclosed pursuant to this Section shall not be used for commercial solicitation purposes. All requests made by individuals that their personally identifiable information not be used for commercial solicitation purposes shall be on original forms prescribed and furnished by the Secretary. Such forms shall be distributed directly by the Secretary to an individual who makes the request to the Secretary in person, by telephone or by mail. The forms shall only be requested and submitted by an individual in connection with his own personally identifiable information and the form must be signed by the individual. No copies or reproductions of the form shall be accepted by the Secretary and the forms shall be submitted separately from all other title and registration documents. Information identifying

SECRETARY OF STATE

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advantages and disadvantages of withholding personally identifiable information for commercial solicitation purposes shall be prepared by the Secretary and set forth in or accompany each form distributed by the Secretary. The decision of an individual to withhold personally identifiable information for commercial solicitation purposes shall be revocable.

- e) Personally identifiable information shall be withheld from exempted entities listed in subsection (b) above if the individual about whom an inquiry is made submits a valid court order of protection to the Secretary. This non-disclosure shall apply for the duration of the court order; however, law enforcement officials and government agencies shall always have access to this personally identifiable information.

(Source: Amended at 21 Ill. Reg. 466, effective JAN 1 1997)

Section 1002.60 Contract

All commercial or business purchasers of the drivers, vehicle, or title lists shall sign a contract with the Secretary, which shall include disclosure of the commercial use, which shall not include commercial solicitation purposes, or disclosure of the permissible use of personal information, if applicable, and shall contain those terms he/she deems necessary and appropriate to protect the integrity of the lists, including but not limited to, a requirement that a mail preference list maintained by a recognized trade association be used to delete names of persons who do not wish to have their name sold; that the list will not be used for criminal or immoral purposes, that violation of any terms could result in the Secretary's denial of sale of the lists to the purchaser for a term of five years, and the return of the vehicles, titles or drivers list to the Secretary. Any authorized recipient that resells or rediscloses personal information covered by this part must keep for a period of 5 years records identifying each person or entity that receives information, and the permitted purpose for which the information will be used, and must make such records available to the Secretary of State upon request. A title list shall not include the name and address of any lienholder if the request is made for commercial solicitation purposes.

(Source: Amended at 21 Ill. Reg. 466, effective JAN 1 1997)

Section 1002.70 Public Records

- a) The drivers lists, title lists, vehicle lists, and lists of purchasers for of these lists are public records and may be examined, and purchased for the appropriate fees by anyone for a legitimate and lawful purpose and use.
- b) The Secretary may sell the lists in their entirety on the medium he

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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NOTICE OF EMERGENCY AMENDMENTS

deems most economical and efficient, or in any reasonable part, such as by county or counties, age group, zip code groups, make or model of car, restriction codes, license issue data, license expiration data, city, or other governmental or geographic division. No listing shall be prepared and sold by the Secretary to any person or organization for commercial solicitation purposes. Lists shall not be available as where the request is a list compiled by any form of driver's license sanction; i.e. suspension, revocation, cancellation, or denial. No list will be prepared and sold by the Secretary for any person or organization for commercial purposes where the request is for the Secretary to extract from a larger group certain persons or types of persons to be solicited by the requestor, when the requestor, by the purchase of the larger group of names, titles, or registrations could extract the information sought.

c) The DUI listing shall only be made available if the person requesting the list states the specific purpose for the request and the purpose is not for personal or commercial benefit nor solicitation purposes.

d) If an individual requests that his personally identifiable information not be used for commercial solicitation purposes, the Secretary shall document said record that it shall not be used in that manner or the Secretary may withhold said records from the purchaser. All requests made by individuals that their personally identifiable information not be used for commercial solicitation purposes shall be on original forms prescribed and furnished by the Secretary. Such forms shall be distributed directly by the Secretary to an individual who makes the request to the Secretary in person, by telephone, or by mail. The forms shall only be requested and submitted by an individual in connection with his own personally identifiable information and the form must be signed by the individual. No copies or reproductions of the form shall be accepted by the Secretary and the forms shall be submitted separately from all other title and registration documents. Information identifying advantages and disadvantages of withholding personally identifiable information for commercial solicitation purposes shall be prepared by the Secretary and set forth in or accompany each form distributed by the Secretary. The decision of an individual to withhold personally identifiable information for commercial solicitation purposes shall be revocable.

(Source: Amended at 21 Ill. Reg. effective 466)

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers: Emergency Action:
1540.340 New Section
- 4) Statutory Authority: 40 ILCS 5/1-116 and 5/14-135.03
- 5) The effective date of the rule: January 1, 1997
- 6) If this emergency rule is to expire before the end of the 150-day period (other than by means of adopting the rule through the regular rulemaking process), please specify the date: This rule will expire at the end of the 150-day period.

7) Date filed in agency's primary office: December 23, 1997

8) The reason for the emergency: HR3448 was signed into law by President Clinton on August 20, 1996 and the State Employees' Retirement System of Illinois has only recently become aware that a new rule would be required to implement the legislation. Compliance is essential to maintain the tax qualified status of the plan.

9) A Complete Description of the Subjects and Issues Involved: On August 20, 1996, President Clinton signed into law the "Small Business Job Protection Act of 1996" (HR3448). Included in this Act were extensive amendments to the Internal Revenue Code which affect public employee pension plans throughout the country.

The primary changes affecting the State Employees' Retirement System of Illinois pertain to Section 415 of the Internal Revenue Code concerning maximum benefit payments from a qualified plan. Prior to passage of the legislation, Section 415 (b) limited the maximum benefit payable from a qualified plan to the lesser of 100% of final three year average compensation or \$125,000 for tax year 1997. The \$125,000 level is actuarially reduced for retirement ages below 62. The 100% of compensation level does not include: 1) tax sheltered life and health insurance contributions; 2) contributions to Section 457 Deferred Compensation Plans; or 3) mandatory employee contributions tax sheltered under Section 414(h)(2) of the Code.

The Small Business Job Protection Act of 1996 amended section 415 to: 1) Repeal the 100% of compensation limit; and 2) Authorize the establishment of excess benefit arrangements for governmental plans.

This emergency amendment implements the excess benefit arrangement

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENTS

effective 1-1-97 and defines the scope of benefits to be paid, the limitation year, the funding arrangement, and the manner in which the assets shall be held. Basically to prevent adverse tax consequences to the member, the program will be funded on a pay-as-you-go basis and the assets will be subject to the general creditors of the State. A small cash reserve, which will be held in a separate fund in the State Treasury, will be maintained to pay current benefits.

10) Are there any other proposed amendments pending on this Part? No

11) Statement of Statewide Policy Objectives: None

12) Information on questions regarding this emergency rule shall be directed to:

Michael L. Mory, Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255 - 2101 South Veterans Parkway
Springfield, Illinois 62794-9255
Telephone: 1-217-785-7444

The full text of the Emergency Amendment begins on the next page:

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section	
1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal From the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions By the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments
1540.320	Optional Forms of Benefits - Basis of Computation

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NOTICE OF EMERGENCY AMENDMENTS

1540.330 Board Elections

1540.340 Excess Benefit Arrangement

EMERGENCY

TABLE A

Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/14-135.03].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days.

Section 1540.340 Excess Benefit ArrangementEMERGENCY

a) Adoption and Nature of the Arrangement.

1) The Arrangement. The State Employees' Retirement System of Illinois, pursuant to the authority granted to it by 40 ILCS 5/1-1161, hereby adopts the State Employees' Retirement System of Illinois Excess Benefit Arrangement effective January 1, 1997.

2) Nature of the Arrangement. This Arrangement is a portion of a governmental plan (as that term is defined in section 414(d) of the Internal Revenue Code of 1986, as amended and section 3(32) of the Employee Retirement Income Security Act of 1974, as amended) and is administered as a qualified governmental excess benefit arrangement pursuant to the provisions of Code section 415(m).

3) Limitation Year. The System adopts the calendar year as the limitation year for the purpose of this Arrangement and Code

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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Section 415.

b) Definitions. Each word or phrase defined in this subsection (b) shall have the following meaning whenever such word or phrase is capitalized and used herein unless a different meaning is clearly required by the context of the Arrangement. The definition of any term in the singular may also include the plural.

- 1) "Arrangement" shall mean the State Employees' Retirement System of Illinois Excess Benefit Arrangement as from time to time amended or restated.
- 2) "Code" shall mean the Internal Revenue Code of 1986, as amended.
- 3) "Effective Date" shall mean January 1, 1997.
- 4) "Limitation Year" shall mean that period for which all calculations and determinations of benefits and contribution limits will be made under Code Section 415 and this Arrangement.
- 5) "Maximum Benefit" shall mean the monthly equivalent of the maximum benefit permitted by Code section 415 to be paid a Participant under the Retirement Plan.
- 6) "Participant" shall mean a person who is an "annuitant" as that term is defined in [40 ILCS 5/14-103.07] or a "beneficiary" as that term is defined in [40 ILCS 5/14-103.08].
- 7) "Retirement Plan" shall mean the retirement plan administered by the State Employees' Retirement System of Illinois pursuant to [40 ILCS 5/14-101].
- 8) "System" shall mean the State Employees' Retirement System of Illinois.
- 9) "Unrestricted Benefit" shall mean the maximum monthly Normal or Early Retirement Benefit or Disability Benefit payable under Article 14 of the Illinois Pension Code [40 ILCS 5/14] determined without regard to the limitation imposed under section 415 of the Code.

c) Benefits.

- 1) Retirement Benefit. Upon the Normal retirement date of a Participant, as provided under the Retirement Plan, such Participant shall be entitled to a monthly benefit equal in amount to his or her Unrestricted Benefit less the Maximum Benefit.
- 2) Early Retirement Benefit. Upon the early retirement of a Participant, as provided under the Retirement Plan, such Participant shall be entitled to a monthly benefit and to his or her Unrestricted Benefit as the Maximum Benefit.
- 3) Disability Benefit. If a Participant is unable to work because of an illness or injury with an employer that participates in the Retirement Plan and as a result is entitled to a disability benefit provided under the Retirement Plan, such a Participant shall be entitled to a monthly benefit equal to his or her Unrestricted Benefit less the Maximum Benefit.
- 4) Spouse's Pension Benefit. Subject to subsection (c)(5) of this Section, upon the death of a Participant whose spouse is eligible

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for a pre- or post- retirement surviving spouse benefit under the Retirement Plan, the Participant's surviving spouse shall be entitled to a monthly benefit equal to the surviving spouse benefit determined in accordance with the provisions of the Retirement Plan without regard to the limitations under Code section 415 less the Maximum Benefit.

- 5) Benefit Payment. A retirement benefit payable under this subsection shall be paid at such time or times and in such form to the Participant as the benefit under the Retirement Plan would be paid.

- d) Administration of the Arrangement.

- 1) Administrator. The Arrangement shall be administered by the System which shall have the authority to interpret the Arrangement and issue such policies as it deems appropriate. All provisions set forth in the Retirement Plan with respect to the Administrative powers and duties of the System, expenses of administration, and procedures for filing claims shall also be applicable with respect to the Arrangement. The System shall have the duty and responsibility to maintain records making the requisite calculations and disbursing the payments hereunder through the Comptroller of the State of Illinois. The System's interpretations, determinations, regulations, and calculations shall be final and binding on all persons and parties concerned.

- 2) Amendment and Termination. The System may amend or terminate the Arrangement at any time, provided, however, that no such amendment or termination shall adversely affect a benefit to which a terminated or retired Participant or his or her beneficiary is entitled under subsection (c) of this Section prior to the date of such amendment or termination unless the Participant becomes entitled to an amount equal to such benefit under another arrangement plan or practice adopted by the System. The System will pay all benefits arising under this Arrangement and all costs, charges and expenses relating thereto through appropriations received from the State of Illinois, and miscellaneous income of the System, except those costs normally borne by other agencies or offices of the State of Illinois. No provision shall at any time be made with respect to segregating any assets of the System, or of any employer for payment of any benefits hereunder. No Participant, or any other person, shall have any interest in any assets or miscellaneous income of the System, the State, or of any employer by reason of the right to receive a benefit under the Arrangement.

- 4) Non-assignability of Benefits. The benefits payable hereunder or the right to receive future benefits under the Arrangement shall not be subject to judgment, execution, garnishment, attachment or other seizure by process, in bankruptcy or otherwise, nor to sale, pledge, mortgage or other alienation, and shall not be assignable to the same extent as provided for in [40 ILCS

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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5/14-1471.

- 5) Terms of Arrangement. Nothing contained herein shall be construed as providing for assets to be held in trust or escrow or any other form of asset segregation for the Participant or for any other person or persons to whom benefits are to be paid pursuant to the terms of this Arrangement, the Participant's only interest hereunder being the right to receive the benefits set forth herein. To the extent the Participant or any other person acquires a right to receive benefits under this Arrangement, such right shall be no greater than the right of any unsecured, general creditor of the State of Illinois.
- 6) Applicable Law. All questions pertaining to the construction, validity, and effect of this Arrangement shall be determined in accordance with the laws of the State of Illinois and, unless inconsistent, with the laws of the United States.
- 7) Forfeiture Provisions. All rights to any benefits payable under this Arrangement, including the payment of any benefit installments, shall be immediately forfeited if the Participant's right to receive an annuity benefit under the Retirement Plan is terminated in accordance with [40 ILCS 5/14-149].

(Source: Emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997)

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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

- 2) Code Citation: 80 Ill. Adm. Code 1650

- 3) Section Numbers: 1650.2900
Emergency Action:
 New Section

- 4) Specific statutory citation upon which the rule is based and authorized:
 40 ILCS 5/1-116

- 5) Effective date of the rule: January 1, 1997

- 6) If this emergency rule is to expire before the end of the 150-day period (other than by means of adopting the rule through the general rulemaking process), please specify the date: This rule will expire at the end of the 150-day period.

- 7) Date filed in agency's principal office: December 23, 1996

- 8) The reason for the emergency: HR 3448 was signed into law by President Clinton on August 20, 1996 and the Teachers' Retirement System has only recently become aware that a new rule would be required to implement the legislation. Compliance is essential to maintain the tax qualified status of the plan.

- 9) A Complete Description of the Subjects and Issues Involved: On August 20, 1996, President Clinton signed into law the "Small Business Job Protection Act of 1996" (HR 3448). Included in this Act were extensive amendments to the Internal Revenue Code which affect public employee pension plans throughout the country.

The primary changes affecting the Teachers Retirement System pertain to Section 415 of the Internal Revenue Code concerning maximum benefit payments from a qualified plan. Prior to passage of the legislation, Section 415(b) limited the maximum benefit payable from a qualified plan to the lesser of 100% of final three year average compensation or \$125,000 for tax year 1997. The \$125,000 level is actuarially reduced for retirement ages below 62.

The provisions of the Small Business Job Protection Act of 1996 amended Section 415 to: (1) repeal the 100% of compensation limit; and (2) authorize the establishment of excess benefit arrangements for governmental plans.

This emergency amendment implements the excess benefit arrangement effective January 1, 1997 and defines the scope of benefits to be paid, the limitation year, the funding arrangement, and the manner in which the

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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

assets shall be held. Basically, to prevent adverse tax consequences to the member, the program will be funded on a pay-as-you-go basis and the assets will be subject to the general creditors of the State. A small cash reserve, which will be held in a separate fund in the State Treasury, will be maintained to pay current benefits.

- 10) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules. If so, please specify Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules: 20 Ill. Reg. 14368

Section Numbers:Proposed Action:

1650.210	Amendment
1650.240	Amendment
1650.310	Amendment
1650.340	Amendment
1650.341	New Section
1650.345	New Section
1650.350	Amendment
1650.355	New Section
1650.380	New Section
1650.390	New Section
1650.410	Amendment
1650.460	Amendment
1650.560	Amendment
1650.590	New Section

- 11) Statement of Statewide Policy Objectives, if applicable: Not Applicable

- 12) Name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed:

Carl Mowery, General Counsel
 Erin Smith, Legal Assistant
 Teachers' Retirement System
 2815 West Washington, P. O. Box 19253
 Springfield, Illinois 62794-9253
 (217) 753-0961

The full text of the Emergency Amendment begins on the next page:

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE D: RETIREMENT SYSTEMS
 CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
 THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
 TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
 1650.10

Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records

1650.120 Claims Records (Repealed)

1650.130 Individual Accounts (Repealed)

1650.140 Ledger and Accounts Books (Repealed)

1650.150 Statistics (Repealed)

1650.160 Confidentiality of Records

1650.180 Filing and Payment Requirements

1650.181 Early Retirement Incentive Payment Requirements

1650.182 Waiver of Additional Amounts Due

1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.210 Claim Applications

1650.220 Reclassification of Disability Claim (Repealed)

1650.230 Medical Examinations and Investigations of Claims

1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment

1650.250 Death Benefits

1650.260 Evidence of Age

1650.270 Reversionary Annuity - Evidence of Dependency

1650.271 Evidence of Parentage

1650.272 Eligible Child Dependent By Reason of a Physical or Mental

Disability

1650.280 Evidence of Marriage

1650.290 Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section

1650.310 Effective Date of Membership

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Method of Calculating Service Credits

1650.320
 1650.325 Method of Calculating Service Credit for Recipients of a Disability
 Benefits or Occupational Disability Benefit

1650.330 Duplicate Service Credit

1650.340 Service Credit for Leave of Absence or Involuntary Layoffs

1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement

1650.360 Service and Earnings Credit Obtained Pursuant to Labor Contract
 Litigation

1650.370 Calculation of Average Salary (Renumbered)

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

1650.410 Refunds for Duplicate or Noncreditable Service

1650.420 Interest on Deficiencies (Repealed)

1650.430 Installment Payments (Repealed)

1650.440 Small Deficiencies, Credits or Death Benefit Payments

1650.450 Definition of Salary

1650.451 Reporting of Conditional Payments

1650.460 Calculation of Average Salary

1650.470 Rollover Distributions

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section

1650.505 Beneficiary (Repealed)

1650.510 Re-entry Into Service

1650.520 Suspension of Benefits

1650.530 Power of Attorney

1650.540 Conservators/Guardians

1650.550 Presumption of Death

1650.560 Benefits Payable on Death

1650.570 Survivors' Benefits

1650.580 Evidence of Eligibility

SUBPART G: ATTORNEY GENERALS' OPINION

Section

1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section

1650.610 Staff Responsibility

1650.620 Right of Appeal

1650.630 Form of Written Request

1650.640 Prehearing Procedure

1650.650 Hearing Procedure

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1650.660 Rules of Evidence

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section
1650.710 Amendments

SUBPART J: RULES OF ORDER

Section
1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section

1650.910 Summary and Purpose
1650.920 Definitions
1650.930 Submission of Requests
1650.940 Form and Content of FOIA Requests
1650.950 Appeal of a Denial
1650.960 Executive Director's Response to Appeal
1650.970 Response to FOIA Requests
1650.980 Inspection of Records at System Office
1650.990 Copies of Public Records
1650.995 Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section

1650.1000 Nomination of Candidates
1650.1010 Petitions
1650.1020 Eligible Voters
1650.1030 Election Materials
1650.1040 Marking of Ballots
1650.1050 Return of Ballots
1650.1060 Observation of Ballot Counting
1650.1070 Certification of Ballot Counting
1650.1080 Challenges to Ballot Counting

SUBPART M: RETIREMENT BENEFITS

Section

1650.2900 Excess Benefit Arrangement

EMERGENCY

AUTHORITY: Implementing and authorized by Sections 16-106, 16-118, 16-121, 16-125, 16-133, 16-133.2, 16-133.3, 16-133.4, 16-133.5, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-164, 16-165, 16-168 and 16-192

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of the Illinois Pension Code [40 ILCS 5/16-106, 16-118, 16-121, 16-125, 16-133, 16-133.2, 16-133.3, 16-133.4, 16-133.5, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-164, 16-165, 16-168 and 16-192]; Freedom of Information Act [5 ILCS 140].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. **483**, effective JAN 1 1997.

SUBPART M: RETIREMENT BENEFITS

Section 1650.2900 Excess Benefit Arrangement
EMERGENCY

a) Adoption and Nature of the Arrangement.

1) The Arrangement. The Teachers' Retirement System of the State of Illinois, pursuant to the authority granted to it by [40 ILCS 5/1-116], hereby adopts the Teachers' Retirement System Excess Benefit Arrangement, effective January 1, 1997.

2) Nature of the Arrangement. This Arrangement is a portion of a governmental plan (as that term is defined in Section 414(d) of the Internal Revenue Code of 1986, as amended, and Section 3(32) of the Employee Retirement Income Security Act of 1974, as amended), and is administered as a qualified governmental excess benefit arrangement pursuant to the provisions of Code Section 415(m).

b) Definitions. Each word or phrase defined in this subsection (b) shall have the following meaning whenever such word or phrase is capitalized and used herein, unless a different meaning is clearly required by the context of the Arrangement. The definition of any term in the singular may also include the plural.

- 1) "Annuitant" shall mean a person described in [40 ILCS 5/16-111.1].
- 2) "Arrangement" shall mean the Teachers' Retirement System Excess Benefit Arrangement, as from time to time amended or restated.
- 3) "Code" shall mean the Internal Revenue Code of 1986, as amended.
- 4) "Disability Retirement Annuity" shall mean the annuity payable to an Annuitant pursuant to [40 ILCS 5/16-149.2].
- 5) "Excess Benefit" shall mean the monthly equivalent of the

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

difference between the Unrestricted Benefit and the Maximum Benefit.

6) "Maximum Benefit" shall mean the monthly equivalent of the maximum benefit permitted by Code Section 415 to be paid an Annuitant or beneficiary under the Retirement Plan during any limitation year of the Retirement Plan.

7) "Member" shall mean a person who is a Member as that term is defined in [40 ILCS 5/16-107].

8) "Retirement Annuity" shall mean an annuity payable to an Annuitant pursuant to [40 ILCS 5/16-132] through [40 ILCS 5/16-136.4].

9) "Retirement Plan" shall mean the retirement plan administered by the Teachers' Retirement System pursuant to [40 ILCS 5/16].

10) "Survivor Benefit Annuity" shall mean an annuity payable from the Retirement Plan to a beneficiary or beneficiaries of a Member or Annuitant as a result of the death of the Member or Annuitant pursuant to [40 ILCS 5/16-141 through 16-143.2].

11) "System" shall mean the Teachers' Retirement System of the State of Illinois.

12) "Unrestricted Benefit" shall mean the maximum monthly Retirement Annuity, Disability Retirement Annuity, or Survivor Benefit Annuity benefit payable under Article 16 of the Illinois Pension Code [40 ILCS 5/16], whichever is applicable, determined without regard to the limitation of the Code imposed under Code Section 415.

c) Excess Benefits.

1) An Annuitant who is receiving a Retirement Annuity as provided under the Retirement Plan shall be entitled to receive an Excess Benefit for any month in which the Annuitant receives a Retirement Annuity benefit payment.

2) An Annuitant who is receiving a Disability Retirement Annuity as provided under the Retirement Plan shall be entitled to receive an Excess Benefit for any month in which the Annuitant receives a Disability Retirement Annuity benefit payment.

3) Upon the death of a Member or Annuitant whose beneficiary or beneficiaries are eligible for an annuity under the Retirement Plan, the Member's or Annuitant's beneficiary or beneficiaries who are receiving a Survivor Benefit Annuity shall be entitled to receive an Excess Benefit for any month in which the beneficiary or beneficiaries are receiving a Survivor Benefit Annuity.

4) Benefit Payment: A benefit payable under this subsection (c) shall be paid at such time or times and in such form to the Annuitant or his or her beneficiary as the benefit under the Retirement Plan would be paid. The Annuitant shall have the right to receive as a portion of his or her first payment hereunder an amount equal to the sum of the Excess Benefits otherwise payable to him or her since January 1, 1995, had this arrangement been in effect as of January 1, 1995.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

d) Administration of the Arrangement.

1) Administrator: The Arrangement shall be administered by the System, which shall have the authority to interpret the Arrangement and issue such regulations as it deems appropriate. The System shall have the duty and responsibility to maintain records, making the requisite calculations and disbursing the payments hereunder through the Comptroller of the State of Illinois. The System's interpretations, determinations, regulations, and calculations shall be final and binding on all persons and parties concerned.

2) Amendment and Termination: The System may amend or terminate the Arrangement at any time, provided, however, that no such amendment or termination shall adversely affect a benefit to which a Member or an Annuitant or his or her beneficiary is entitled under subsection (c) prior to the date of such amendment or termination unless the Member or Annuitant becomes entitled to an amount equal to such benefit under another arrangement, plan or practice adopted by the System.

3) Payments: The System will pay all benefits arising under this Arrangement and all costs, charges, and expenses relating thereto through appropriations received from the State of Illinois, except those costs normally borne by other agencies or offices of the State of Illinois.

4) Non-assignability of Benefits: The benefits payable hereunder or the right to receive future benefits under the Arrangement may not be anticipated, alienated, pledged, encumbered, or subjected to any charge or legal process.

5) Status of Arrangement: Nothing contained herein shall be construed as providing for assets to be held in trust or escrow or any other form of asset segregation for the Annuitant or for any other person or persons to whom benefits are to be paid pursuant to the terms of this Arrangement, the Annuitant's only interest hereunder being the right to receive the benefits set forth herein. To the extent the Annuitant or any other person acquires a right to receive benefits under this Arrangement, such right shall be no greater than the right of any unsecured, general creditor of the State of Illinois.

6) Applicable Law: All questions pertaining to the construction, validity, and effect of this Arrangement shall be determined in accordance with the laws of the United States and to the extent not pre-empted by such laws, by the laws of the State of Illinois.

7) Forfeiture Provisions: All rights to any benefits payable under this Arrangement, including the payment of any unpaid benefit installments, shall be immediately forfeited if the Member's or Annuitant's right to receive an annuity benefit under the Retirement Plan is terminated in accordance with [40 ILCS 5/16-199].

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF EMERGENCY AMENDMENT

(Source: Emergency amendment at 21 Ill. Reg. 483 = , effective
JAN 1 1997, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Number: Emergency Action:
117.50
Amendment
- 4) Notice of Proposed Amendments Published in the Illinois Register: August
2, 1996 (20 Ill. Reg. 10381)
- 5) JCAR Statement of Objection to Proposed Amendments Published in the
Illinois Register: January 3, 1997 (21 Ill. Reg. 499)
- 6) Summary of Action Taken by the Agency:

At its meeting on November 19, 1996, the Joint Committee on Administrative Rules issued an objection to the Department of Public Aid's proposed amendments to its rules entitled Related Program Provisions (89 Ill. Adm. Code 117), which were published on August 2, 1996, at 20 Ill. Reg 10303. As the basis of its objection, the Joint Committee cites the conflict between the rates for funerals and burials included in these amendments and the provisions of Section 12-4.11 of the Public Aid Code [305 ILCS 5/12-4.11].

The action of the General Assembly and the Governor in approving appropriations to the Department in Public Act 89-501 for funeral and burial reimbursements for fiscal year 1997 was based on an agreement to increase these reimbursements by three percent over the prior fiscal year. The Department believes that these amendments are consistent with this agreement.

The Department recognizes that the language in Section 12-4.11 of the Public Aid Code was not amended to reflect this agreement. The Department believes, however, that the lack of action to amend this statutory provision was an inadvertent oversight and should not thwart the intent of increasing the reimbursement levels which was expressed in the appropriations in Public Act 89-501.

The Department agrees with the Joint Committee that legislation to amend the statutory provision should be pursued.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENCY RESPONSE TO JOINT COMMITTEE OBJECTION

SECRETARY OF STATE

Date: December 20, 1996

Agency: Secretary of State

Heading of the Part: Sale of Information

Code Citation: 92 Ill. Adm. Code 1002

Register Citation: 20 Ill. Reg. 12341 (9/13/96)

Agency Response to Joint Committee Objection:

Objection: Failure to consider the economic effects of this rulemaking upon those regulated, especially small businesses.

Response: The Secretary of State's office respectfully refuses to withdraw or modify the proposed rule. The Secretary of State has met extensively with representatives from the business community over the past several months. However, those discussions have reached an impasse, and it is clear to this office that further negotiations would be unproductive. The Secretary of State holds the opinion that this office, like other agencies, should not sell private, personal information to businesses for commercial solicitation purposes, and that consumer interests must prevail over business interests in this situation. We also note that according to the industry, the sale of vehicle and driver information accounts for only 1.6 percent of the direct mail produced in this country. Marketing firms still will have access to numerous other sources of information if they wish to generate mailing lists.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENT OF RECOMMENDATION

DEPARTMENT OF AGRICULTURE

Heading of the Part: Egg and Egg Products Act

Code Citation: 8 Ill Adm Code 65

Section Numbers: 90.160

Date Originally Published in the Illinois Register: 20 Ill. Reg. 12538
9/20/96

At its meeting on December 17, 1996, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Department of Agriculture continue their efforts, along with the Department of Public Health, the United States Department of Agriculture, and the federal Food and Drug Administration, to develop a uniform egg holding temperature that will ensure the safety of the product delivered to the consumer. Additionally, the agency is requested to report back to JCAR, by December 1997, on the success of its efforts to resolve the remaining conflicts with respect to this issue.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENT OF OBJECTION

HISTORIC PRESERVATION AGENCY

Heading of the Part: Rules for the Protection, Treatment and Inventory of Archaeological and Paleontological Resources on Public Lands

Code Citation: 17 Ill Adm Code 4190

Section Numbers:

4190.101	4190.201	4190.404
4190.102	4190.202	4190.405
4190.103	4190.203	4190.406
4190.104	4190.204	4190.407
4190.105	4190.205	4190.408
4190.106	4190.206	4190.409
4190.107	4190.301	4190.410
4190.108	4190.302	4190.501
4190.109	4190.303	4190.601
4190.110	4190.401	4190.602
4190.111	4190.402	4190.603
4190.112	4190.403	

Date Originally Published in the Illinois Register: 20 Ill Reg 10496, 8/9/96

At its meeting on December 17, 1996, the Joint Committee on Administrative Rules objected to the above cited rulemaking because, in light of extensive changes the Agency needs to make in this new program to more clearly implement the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435], the Agency and JCAR believe that a new rulemaking would be more appropriate and, thereby, give the public additional opportunity to comment on anticipated changes.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF FAILURE TO REMEDY

DEPARTMENT OF LABOR

Heading of the Part: Minimum Wage Law

Code Citation: 56 Ill Adm Code 210

Section Numbers: 210.925 Action: Refusal to remedy in response to JCAR Objection

Notice of Proposal published in Illinois Register: 8/2/96 (20 Ill. Reg. 10254)

Date JCAR issued Statement of Objection: 10/15/96

Date adopted rulemaking published in Illinois Register: 12/2/96 (20 Ill. Reg. 15312)

Summary of Action taken by the Agency: The Committee objected to Section 210.925 of the Department of Labor's rulemaking because the Department failed to provide standards governing what shall be considered "good cause" in granting continuances of informal investigative conferences, contrary to Section 5-20 of the IAPA. In response, the Department refused to modify the rulemaking in order to address the Committee's Objection, citing court decisions which held that agencies are not required to adopt standards for a myriad of different situations and that agencies must be permitted to balance the practicality of precise standards for every situation with the necessity to retain administrative flexibility.

JCAR Action: Section 5-20 of the IAPA states that each rule that implements a discretionary power shall include the standards by which the agency shall exercise the power. The Committee does not ask that agencies foresee every eventuality that the agency could be asked to address, nor does JCAR seek to deny agencies reasonable flexibility in dealing with affected public. It does, however, ask agencies to provide, through examples and nonrestrictive lists of frequently used bases for exercising the discretion, some guidance to the public who may be in a position to seek a continuance, as well as some guidance to the agency personnel who will be exercising the discretion. The public is entitled to a degree of assurance that an agency's decisions will be reasonably consistent and not based solely on the personal discretion of the individual decisionmaker. In the last several years, numerous agencies have been asked by JCAR to provide general statements or illustrations of when continuances would be granted. These agencies have done so: e.g., death or illness of a party or legal representative, involuntary event precluding or delaying appearance of a witness, temporary lack of availability of records or other papers. There is no reason DOL could not have done so in this instance, while still preserving the administrative flexibility it requires. This Notice of Failure to Remedy the Objection

1996

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF FAILURE TO REMEDY

DEPARTMENT OF LABOR

is published in accordance with 1 Ill. Adm. Code 220.1330.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of the Part: Demonstration Programs

Code Citation: 89 Ill Adm Code 170

Section Numbers: 170.410

Date Originally Published in the Illinois Register: 4/26/96, 20 Ill Reg 5977

At its meeting on November 19, 1996, the Joint Committee on Administrative Rules objected to the above cited rulemaking because the Department is adopting as rule a provision that clearly contravenes statutory language at Section 11-6.2 of the Illinois Public Aid Code. Public Act 88-554 stipulates that this demonstration program will operate for 12 months, but DPA states in rule that the program will be operational for 3 years. In addition, JCAR will proceed to draft legislation for introduction in this Fall Session amending the Public Aid Code to authorize the Automated Identification and Match System (AIMS) demonstration program for a 3 year period.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

1997

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of the Part: Related Program ProvisionsCode Citation: 89 Ill Adm Code 117Section Numbers: 117.50Date Originally Published in the Illinois Register 8/2/96, 20 Ill Reg 10303

At its meeting on November 19, 1996, the Joint Committee on Administrative Rules objected to the above cited rulemaking because it inappropriately increases the burial amount to \$325 and funeral maximum for adults and children 5 or older to \$650. These 2 increases contravene statutory language in the Public Aid Code at 305 ILCS 5/12-4.11 that specifically limits these amounts to \$315 and \$630. In addition, JCAR will proceed to draft legislation for introduction in this Fall Session amending the Public Aid Code to increase the allowable maximum burial amounts and funeral expenses.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENT OF OBJECTION

SECRETARY OF STATE

Heading of the Part: Sale of InformationCode Citation: 92 Ill Adm Code 1002Section Numbers:

1002.20
1002.30
1002.42
1002.45
1002.60
1002.70

Date Originally Published in the Illinois Register: 20 Ill. Reg. 12341, 9/13/96

At its meeting on December 17, 1996, the Joint Committee on Administrative Rules objected to the Secretary's rulemaking because it fails to adequately consider the economic effects of this rulemaking upon those regulated, in particular, small businesses, contrary to Sections 5-30 and 5-110(a) of the IAPA and pursuant to Section 220.900(a)(2)(B) of the Committee's operational rules.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 17, 1996 through December 23, 1996 and have been scheduled for review by the Committee at its January 21, 1997 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting	Date	Department of Rehabilitation Services, Determination of Need (DON) and Resulting Service Cost Maximums (SCMS) (89 Ill Adm Code 679)	Date	Department of Insurance, Electronic Filing (50 Ill Adm Code 4405)	Date	Department of Alcoholism and Substance Abuse, Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill Adm Code 2090)
1/30/97	Department of Public Health, Repeal of Trauma Nurse Specialist Course Code (77 Ill Adm Code 542)	8/30/96 20 Ill Reg 11886	1/21/97	2/2/97	10/25/96 20 Ill Reg 13922	2/2/97	Secretary of State, Literacy Grant Program (23 Ill Adm Code 3040)	10/25/96 20 Ill Reg 13930	1/21/97
1/30/97	Department of Public Health, Repeal of Illinois Trauma Center Code (77 Ill Adm Code 540)	8/30/96 20 Ill Reg 11835	1/21/97	2/5/96	9/20/96 20 Ill Reg 12563	2/5/96	Department of Insurance, Electronic Filing (50 Ill Adm Code 4405)	9/13/96 20 Ill Reg 14324	1/21/97
1/30/97	Department of Public Health, Repeal of Emergency Medical Services Code (77 Ill Adm Code 535)	8/30/96 20 Ill Reg 11743	1/21/97	2/5/96	9/20/96 20 Ill Reg 12563	2/5/96	Department of Insurance, Electronic Filing (50 Ill Adm Code 4405)	9/13/96 20 Ill Reg 14324	1/21/97
1/30/97	Department of Public Health, Emergency Medical Services and Trauma Center Code (77 Ill Adm Code 515)	8/30/96 20 Ill Reg 11602	1/21/97	2/5/96	9/20/96 20 Ill Reg 12563	2/5/96	Department of Insurance, Electronic Filing (50 Ill Adm Code 4405)	9/13/96 20 Ill Reg 14324	1/21/97
1/31/97	Department of Public Aid, Assistance Standards (89 Ill Adm Code 111)	10/4/96 20 Ill Reg 13031	1/21/97	2/5/96	9/20/96 20 Ill Reg 12563	2/5/96	Department of Insurance, Electronic Filing (50 Ill Adm Code 4405)	9/13/96 20 Ill Reg 14324	1/21/97
1/31/97	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	8/30/96 20 Ill Reg 11560	1/21/97	2/5/96	9/20/96 20 Ill Reg 12563	2/5/96	Department of Insurance, Electronic Filing (50 Ill Adm Code 4405)	9/13/96 20 Ill Reg 14324	1/21/97
1/31/97	Department of Public Aid, Demonstration Programs (89 Ill Adm Code 170)	10/25/96 20 Ill Reg 13900	1/21/97	2/5/96	9/20/96 20 Ill Reg 12563	2/5/96	Department of Insurance, Electronic Filing (50 Ill Adm Code 4405)	9/13/96 20 Ill Reg 14324	1/21/97
2/2/97	Department of Rehabilitation Services, Program Description (89 Ill Adm Code 676)	10/25/96 20 Ill Reg 13926	1/21/97	2/5/96	9/20/96 20 Ill Reg 12563	2/5/96	Department of Insurance, Electronic Filing (50 Ill Adm Code 4405)	9/13/96 20 Ill Reg 14324	1/21/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Date	Department of Rehabilitation Services, Determination of Need (DON) and Resulting Service Cost Maximums (SCMS) (89 Ill Adm Code 679)	Date	Department of Insurance, Electronic Filing (50 Ill Adm Code 4405)	Date	Department of Alcoholism and Substance Abuse, Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill Adm Code 2090)
2/2/97	Secretary of State, Literacy Grant Program (23 Ill Adm Code 3040)	10/25/96 20 Ill Reg 13930	2/2/97	9/20/96 20 Ill Reg 12563	9/13/96 20 Ill Reg 14324
2/2/97	Secretary of State, Literacy Grant Program (23 Ill Adm Code 3040)	10/25/96 20 Ill Reg 13930	2/2/97	9/20/96 20 Ill Reg 12563	9/13/96 20 Ill Reg 14324
2/2/97	Secretary of State, Literacy Grant Program (23 Ill Adm Code 3040)	10/25/96 20 Ill Reg 13930	2/2/97	9/20/96 20 Ill Reg 12563	9/13/96 20 Ill Reg 14324

1996

EXECUTIVE ORDER

96-7

FLOOD TRANSFER I, 1996

Whereas, more than 17 inches of rain fell over a 24 hour period on northern Illinois in July 1996; and

Whereas, in July 1996, I made declarations of disasters for a number of Illinois counties and requested the President of the United States to declare major disasters in those areas; and

Whereas, I hereby find that the demands placed on funds regularly appropriated to the Illinois Emergency Management Agency to cope with this disaster are unexpectedly great; and

Whereas, I find that the appropriation to the Illinois Emergency Management Agency for expenditures from the Federal Aid Disaster Fund is insufficient to match the expected receipt of federal funds to be granted to the state, local governments, individuals and families, and certain private non-profit organizations; and

Whereas, I find that other sources of money to cope with this disaster are insufficient; and

Whereas, Section 9 of the Illinois Emergency Management Act (20 ILCS 3305/9) authorizes the Governor to transfer and expend moneys appropriated for other purposes to cope with a disaster when other sources of money are insufficient or to borrow for a term not to exceed two years from the United States government or other public or private source, until such time as a quorum of the General Assembly can convene to enact legislation as it may deem necessary; and

Whereas, the President of the Senate and the Speaker of the House have certified that the Senate and House are not in regular session or in extraordinary session relating to this disaster;

Therefore, pursuant to the power vested in me by the Illinois Constitution, and Section 9 of the Illinois Emergency Management Agency Act, I, Jim Edgar, hereby order the following:

A. A total of \$3,750,000 of expenditure authority shall be transferred from the General Revenue Fund appropriated to the Illinois Department of Corrections, Article 27, of P.A. 89-0501, "For Personal Services," from the Sections and Facilities listed below to the Illinois Emergency Management Agency, for "Disaster Relief, Individual, Payable from the General Revenue Fund: State Share of Individual and Family Grant Program for Disaster Declarations: In Fiscal Year 1997," Article 29, Section 6 of P.A. 89-0501.

Section	Facility	Amount
5	Menard	\$1,406,250
5	Stateville	\$1,252,500
5	Pontiac	\$1,091,250

B. A total of \$48,450,000 of expenditure authority shall be transferred from the Department of Transportation, Article 51, Section 33 of P.A. 89-0501 to the following lines in the following amounts:

\$8,000,000 to the Illinois Emergency Management Agency, for "Disaster Relief, Individual, Payable from the Federal Aid Disaster Fund: Federal Share Individual and Family Grant Program for Disaster Declarations: In Fiscal Year 1997," Article 29, Section 6, of P.A. 89-0501:

\$400,000 to the Illinois Emergency Management Agency, "For State

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administration of the Individual and Family Grant Program," Article 29, Section 6 of P.A. 89-0501:

\$30,000,000 to the Illinois Emergency Management Agency for "Federal Disaster Declaration: In Fiscal Year 1997," Article 29, Section 4 of P.A. 89-0501:

\$250,000 to the Illinois Emergency Management Agency, "For State administration of the Federal Disaster Relief Program," Article 29, Section 4 of P.A. 89-0501:

\$300,000 to the Illinois Emergency Management Agency, "For State administration of the Hazard Mitigation Program," Article 29, Section 4 of P.A. 89-0501:

\$9,500,000 to the Illinois Emergency Management Agency, for "Disaster Relief--Hazard Mitigation," Article 29, Section 4 of P.A. 89-0501:

This Executive Order Number 7 (1996) shall be effective upon filing with the Secretary of State.

Issued by the Governor December 6, 1996.

Filed by the Secretary of State December 6, 1996.

PROCLAMATIONS

96-630

DRUNK AND DRUGGED DRIVING PREVENTION MONTH

Whereas, more violent deaths are attributed to traffic crashes than any other cause. In 1995, there were 1,586 traffic fatalities in Illinois; and

Whereas, approximately 36 percent of fatally-injured drivers whose blood was tested had alcohol concentration levels above the legal limit; and

Whereas, citizens deserve a solution to this nationwide health and safety threat; and

Whereas, such a solution requires the cooperation of all levels of government and business as well as the general public; and

Whereas, the holiday season traditionally sees a greater number of crashes and is an appropriate time to focus attention on both the problem and its solution;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1996 as DRUNK AND DRUGGED DRIVING PREVENTION MONTH in Illinois.

Issued by the Governor November 25, 1996.

Filed by the Secretary of State December 19, 1996.

96-631

HUGH HILL DAY

Whereas, Hugh Hill earned a bachelor's degree in journalism from the University of Missouri, where he reported for the Columbian Missourian and worked as a newsmen for the KFRU radio station; and

Whereas, he joined CBS in 1953 as a special events director for WBBM Radio and Television, and in his 10 years there he covered a variety of stories with an emphasis on investigative reports; and

Whereas, he has worked for Channel 7 as a political reporter since 1963; and

Whereas, he has covered state and local political figures, including Governor James Thompson, the late Mayor Richard J. Daley, Mayor Michael Bilandic, Mayor Jane Byrne and the late Mayor Harold Washington; and

Whereas, he covered the presidential campaigns and elections of Presidents Carter, Reagan and Bush; and

Whereas, Hugh Hill has been an important source of information for the Chicago area, covering stories with his legendary thoroughness and tenacity, and he is retiring from his long and distinguished career;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 3, 1996, as HUGH HILL DAY in Illinois.

Issued by the Governor November 25, 1996.

Filed by the Secretary of State December 19, 1996.

96-632

LORIN I. NEVLING DAY

Whereas, Lorin I. Nevling, a native of St. Louis, has served the people of Illinois as Chief of the Illinois Natural History Survey and Acting Chief of the Illinois State Water Survey of the Department of Natural Resources; and

Whereas, under his leadership, the Illinois Natural History Survey, a

preeminent biological research organization, has grown in stature and reputation among the people of this state, the United States and the world; and

Whereas, the staff of the Illinois Natural History Survey has made major contributions to knowledge about the living organisms of the state and the habitats, ecosystems and landscapes that sustain them; and

Whereas, the strong scientific knowledge, administrative supervision, able guidance in matters of policy, and high standards of performance provided by Chief Nevling created the climate that allowed the capabilities of the scientists and support staff to flourish and grow; and

Whereas, Chief Nevling has made scientific contributions that have promoted a healthy economy and environment throughout Illinois; and

Whereas, Chief Nevling will retire from his position and friends and colleagues are recognizing and celebrating his achievements;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 6, 1996, as LORIN I. NEVLING DAY in Illinois.

Issued by the Governor November 26, 1996.

Filed by the Secretary of State December 19, 1996.

96-633

WLBH CONGRATULATED

Whereas, 50 years ago today radio station WLBH signed on-the-air as Coles County's first broadcasting facility, serving Mattoon, Charleston and all of East-Central Illinois;

Whereas, WLBH has been on-the-air every day during the past half century; and

Whereas, WLBH has been 100 percent locally-owned and operated since its inception in 1946; and

Whereas, Mattoon Broadcasting Company's modern facility is one of the most powerful radio broadcasting facilities in downstate Illinois with 5,000 watts of power on "Unforgettable 1170" AM and 50,000 watts of power on WLBH-FM "Magic 97"; and

Whereas, Mattoon Broadcasting Company has a superlative record of achievement due to the dedication of its owners and staff throughout its 50 years of service to East Central Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend sincere congratulations to WLBH on the observance of its Golden Anniversary.

Issued by the Governor November 26, 1996.

Filed by the Secretary of State December 19, 1996.

96-634

ABSOLUTELY INCREDIBLE KID DAY

Whereas, Camp Fire Boys and Girls is a national, nonprofit youth development organization; and

Whereas, the Metropolitan Chicago Council of Camp Fire Boys and Girls was founded in 1912 and now serves more than 5,000 children each year in Cook, Lake and McHenry counties; and

Whereas, the Illinois Prairie Council was founded in 1917 and serves over 3,000 children each year in DuPage, Will, Kane and parts of Cook counties; and

Whereas, Camp Fire Boys and Girls promotes public and private activities to nurture children; and

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Whereas, Camp Fire Boys and Girls is sponsoring the first annual Absolutely Incredible Kid Day on March 27, 1996, a national day for adults to write letters of support and encouragement to the children in their lives; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 27, 1997, as ABSOLUTELY INCREDIBLE KID DAY in Illinois.
 Issued by the Governor December 2, 1996.
 Filed by the Secretary of State December 19, 1996.

96-635

MIDDLE LEVEL STUDENT GOVERNMENT WEEK

Whereas, the Illinois Association of Junior High School Student Councils is an organization comprising more than 160 private and public junior high, middle and elementary schools throughout Illinois; and
 Whereas, Illinois is one of three states to have a uniquely middle level student council organization; and
 Whereas, IAJHSC's official State Service Project for 1996 raised almost \$30,000 for the Juvenile Neuronal Lipofuscinosis Research Fund and the 1997 State Service Project is the St. Joseph Institute for the Deaf; and
 Whereas, the IAJHSC theme for 1997 is Soar Beyond The Planets; and
 Whereas, the 38th State Convention of the IAJHSC will be held April 18-19, 1997, in Decatur, Illinois;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 13-19, 1997, as MIDDLE LEVEL STUDENT GOVERNMENT WEEK in Illinois.
 Issued by the Governor December 2, 1996.
 Filed by the Secretary of State December 19, 1996.

96-636

PUBLIC SERVICE RECOGNITION WEEK

Whereas, 200 million Americans are served every day by public employees providing a wide range of services; and
 Whereas, public employees take not just jobs but oaths; and
 Whereas, many public employees risk their lives each day for the sake of the people of the United States whom they serve, as police officers, firefighters, border patrol officers, soldiers, embassy employees, military personnel, health care professionals, and others whose jobs entail great personal risk; and
 Whereas, public employees include the teachers in our schools; nurses to administer vaccines; computer technicians to pay out Social Security and Veterans' benefits; unemployment checks, and food stamps; safety inspectors for power plants, mines, and airplanes; food inspectors who ensure the safety of our grocery purchases; laborers who maintain our roads and bridges; transportation employees who get us safely to our destination via bus; and all the other people who provide the myriad of services demanded by the American people of their government; and
 Whereas, to pay for the high quality of these services, Americans have one of the lowest tax rates in the world; and
 Whereas, without these government employees at every level, there could be no continuity in a democracy such as ours which regularly changes its leaders and elected officials;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May

5-11, 1997, as PUBLIC SERVICE RECOGNITION WEEK in Illinois.
 Issued by the Governor December 2, 1996.
 Filed by the Secretary of State December 19, 1996.

96-637

REFLEX SYMPATHETIC DYSTROPHY SYNDROME MONTH

Whereas, Reflex Sympathetic Dystrophy (RSD) is a multi-symptom disease of the autonomic nervous system, usually affecting arms and legs, precipitated by major or minor trauma; and
 Whereas, the symptoms of RSD include muscle spasms, swelling and bone changes, but the most debilitating is the constant and severe pain that accompanies RSD; and
 Whereas, an estimated six million adults and children in the United States suffer from RSD; and
 Whereas, people suffering from RSD are often left permanently disabled, requiring not only medical, financial and family support, but great amounts of social support from other sources; and
 Whereas, the Hinsdale Hospital Reflex Sympathetic Dystrophy Support Group is a collection of individuals who have RSD or similar chronic pain problems who are interested in sharing helpful information and experiences; and
 Whereas, their goals are to support people with RSD and their families through the sharing of information and experiences, to promote a better understanding of RSD within our community, and to encourage scientific research into the causes and the treatment of RSD;
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as REFLEX SYMPATHETIC DYSTROPHY SYNDROME MONTH in Illinois.
 Issued by the Governor December 2, 1996.
 Filed by the Secretary of State December 19, 1996.

96-638

ARTHUR F. QUERN FAMILY EXTENDED DEEPEST SYMPATHY

Whereas, Arthur F. Quern had a distinguished career in public service as an assistant to Governor Nelson Rockefeller of New York; Deputy Assistant to the President for Domestic Affairs under President Gerald Ford; Director of the Illinois Department of Public Aid and, subsequently, Deputy Governor under Governor James R. Thompson, and Chairman of the Illinois Board of Higher Education in my Administration; and
 Whereas, Art was recognized, nationally and internationally, as a leading insurance executive, acting most recently as Chairman and Chief Executive Officer of Aon Risk Services Companies, Inc., a global insurance brokerage and risk management firm, and Senior Vice President and Corporate Secretary of Aon Corporation; and
 Whereas, Art, notwithstanding the demands placed upon him by the high level positions he held in the government and private sectors, gave freely and enthusiastically of his time and energy as a civic and community leader, serving as President of the Board of Directors of the University of Chicago Hospitals, Trustee of the University of Chicago, Chairman of the Board of Directors of the Field Foundation, and consistent with his commitment to excellence, Trustee of the Lincoln Academy which annually honors the very best accomplishments of Illinois citizens; and

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Whereas, as Chairman of the Board of Higher Education and mindful of the importance of improving and expanding educational opportunities, Art was responsible for overseeing sweeping reforms of Illinois' public universities, resulting in increased productivity, cost-effectiveness and accountability of the State's universities; and

Whereas, Art always carried out his many responsibilities with great skill, integrity, compassion and commitment but remained first and foremost a loving husband and father, a devoted son and a loyal and faithful friend; and

Whereas, Art passed away, suddenly and tragically, on October 30, 1996; Therefore, I, Jim Edgar, on behalf of myself, my wife Brenda and the many citizens of the State whom Arthur Quern served so well and in so many capacities, extend my deepest sympathy to his wife, Jacqueline Laske Quern, his daughters, Susannah and Margaret, and his mother Marcella. Art Quern will be missed by all who knew him.

Issued by the Governor December 5, 1996.

Filed by the Secretary of State December 19, 1996.

96-639

FORBES J. SHEPARD MOURNERS EXTENDED DEEPEST SYMPATHY

Whereas, Forbes J. Shepard was born December 21, 1932; and

Whereas, Forbes began his extensive political career while still in college, campaigning for Governor Adlai Stevenson's bid for the presidency; and

Whereas, in 1971, Forbes was named executive director of Project LEAP (Legal Elections in All Precincts), a nonpartisan organization which combats election fraud; and

Whereas, Forbes' efforts uncovered massive signature fraud in the 1972 race for Cook County state's attorney; and

Whereas, Forbes served as plaintiff in a federal class action suit which resulted in sweeping reforms at the Chicago Board of Election Commissioners; and

Whereas, Forbes managed State Representative Barbara Flynn Currie's first campaign in 1978, and worked as her administrative aide until 1995, when illness required him to take a leave of absence; and

Whereas, Forbes' techniques in fighting for integrity in Chicago elections have left a lasting legacy for political activists everywhere; and

Whereas, not only did Forbes excel in the political arena, but in the arts as well--Forbes was a talented pianist and had an abiding interest in ballet; and

Whereas, Forbes J. Shepard died on October 22, 1996, after a long illness; Therefore, I, Jim Edgar, Governor of the State of Illinois, extend my deepest sympathy to those who mourn the death of Forbes Shepard.

Issued by the Governor December 5, 1996.

Filed by the Secretary of State December 19, 1996.

96-640

JOE PROLA DAY

Whereas, Joe Prola came to Springfield in 1930 to work for Merchants and Mechanics Savings and Loan, which is now Security Bank; and

Whereas, he served in the United States Army from 1941 to 1946, leaving the Army as a full colonel, and he was both a student and an instructor at the

Army College at Fort Leavenworth; and

Whereas, he married Olive Hill in 1936, his wife until she passed away in 1995, and he is a devoted father and grandfather; and

Whereas, Joe has been active in charity work including the United Way, Salvation Army and Lincoln Library; and

Whereas, he was the recipient of the 1986 Copley First Citizen Award and has served as the President of the Insurance Agents Association and as President of the Illinois Savings and Loan League; and

Whereas, he enjoys golf and travel, and has golfed at St. Andrews, Maui, Galena, Palm Springs and the Greenbriar; and

Whereas, Joe Prola will retire from Security Bank on December 31, 1996, after 66 years of service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1996, as JOE PROLA DAY in Illinois.

Issued by the Governor December 6, 1996.

Filed by the Secretary of State December 19, 1996.

96-641

SAINT XAVIER UNIVERSITY DAY

Whereas, Saint Xavier University began in 1846 as Saint Xavier Academy, the first Catholic school for girls in Chicago that offered educational opportunities beyond the elementary level; and

Whereas, Saint Xavier received its charter from the State of Illinois in 1847; and

Whereas, Saint Xavier University has been a trailblazer in many areas of education: it was the first Catholic women's college in Illinois; it initiated the first integrated, four-year baccalaureate nursing program in Illinois; and it originated the Overseas Education program which provides scholarships and education for sisters from developing nations; and

Whereas, Saint Xavier University has long been dedicated to contributing to education, and this commitment is reflected in the Saint Xavier Plan for the Liberal Education of the Christian Person, a nationally recognized curriculum which advocates a redesign of teacher-preparation programs as well as in its partnership with the Illinois Renewal Institute in designing a field-based master of arts degree in teaching and leadership; and

Whereas, Saint Xavier University will celebrate its sesquicentennial on February 27, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 27, 1997, as SAINT XAVIER UNIVERSITY DAY in Illinois.

Issued by the Governor December 6, 1996.

Filed by the Secretary of State December 19, 1996.

96-642

BUREAU COUNTY REPUBLICAN YEAR

Whereas, the Bureau County Advocate, now entitled the Bureau County Republican, was first published on December 2, 1847, with the intent of meeting the informational needs of its readers throughout Bureau County; and

Whereas, the purpose of the Bureau County Republican is to report the local news that affects the lives of those in the community; and

Whereas, the Bureau County Republican recognizes the importance of

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listening to the people and has made this a key component of its publication; and

Whereas, the Bureau County Republican will celebrate its 150th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 1997 as BUREAU COUNTY REPUBLICAN YEAR in Illinois.

Issued by the Governor December 9, 1996.

Filed by the Secretary of State December 19, 1996.

96-643

COMMUNITY BANKING WEEK

Whereas, for more than a century, Illinois' community banks have acted as the community partner for local business, industry and individuals as well; and

Whereas, the Community Bankers Association of Illinois is celebrating its 23rd year of serving Illinois community banks; and

Whereas, more than 900 locally owned and operated community banks and thrifts with more than 2,000 banking offices in Illinois have upheld a tradition to give back to their communities; and

Whereas, Illinois community banks employ more than 20,000 workers and serve more than 2 million account holders conscientiously and competitively;

Whereas, on the average, more than 95 percent of a community bank's loan portfolio is reinvested in the local area as farm, commercial and residential loans; and

Whereas, Illinois community banks are among the safest and most well-capitalized banks in the nation. In recognition of their contribution to the economic vitality of the State of Illinois and their continuing dedication to fulfilling the credit needs of citizens throughout the state, the Community Bankers Association of Illinois will celebrate Illinois Community Banking Week April 13-19, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 13-19, 1997, as COMMUNITY BANKING WEEK in Illinois.

Issued by the Governor December 9, 1996.

Filed by the Secretary of State December 19, 1996.

96-644

ENGINEERS WEEK

Whereas, the engineering community of this state has provided a wealth of innovation in the fields of agriculture, industry, transportation, construction, and education; and

Whereas, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and

Whereas, in order to emphasize the role of professional engineers in our society, the 1996 theme for National Engineers Week is "Engineers Make a World of Difference";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 16-22, 1997, as ENGINEERS WEEK in Illinois in conjunction with the national observance and in recognition of the indispensable contributions engineers have made in the past and will continue to make in the future.

1997

Issued by the Governor December 9, 1996.

Filed by the Secretary of State December 19, 1996.

96-645

CHARLES MARCH CONGRATULATED

Whereas, Charles Ralph March began his career in public health on October 1, 1957, when mobile X-ray units were a popular mode of travel; and

Whereas, in the early days of Mr. March's career, the per diem rate was 5 dollars, a hotel room cost less than 7 dollars per day and mileage was reimbursed at 8 cents per mile; and

Whereas, Mr. March moved upward professionally to become Immunization Section Chief in 1984; and

Whereas, his leadership skills have earned the respect of fellow employees, Center for Disease Control staff, professional organizations and community agencies; and

Whereas, Mr. March stayed long enough to receive 31 cents per mile for travel and 28 dollars per day in per diem;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate Charles March on his 39 years of service and dedication to public health.

Issued by the Governor December 13, 1996.

Filed by the Secretary of State December 19, 1996.

96-646

FINANCIAL LITERACY FOR YOUTH MONTH

Whereas, an estimated \$99 billion will be spent by teens this year, and 25 percent of 18- and 19-year-olds have their own credit cards; and

Whereas, high school seniors frequently are unprepared for many of the critical financial decisions they need to make after they graduate; and

Whereas, for more than a quarter century, many Americans have been challenged to save even five percent of their income which is in contrast to the 10 percent recommended by the majority of financial planners; and

Whereas, the National Endowment for Financial Education and the Cooperative Extension System-USDA are sponsoring "Financial Literacy for Youth Month" to encourage educational programs to give young people the financial tools they need to live balanced, responsible and rewarding lives; and

Whereas, this public awareness effort will help teens learn about the financial planning process and contribute to their personal financial stability and, consequently, contribute to the financial stability of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1997 as FINANCIAL LITERACY FOR YOUTH MONTH in Illinois.

Issued by the Governor December 13, 1996.

Filed by the Secretary of State December 19, 1996.

96-647

FOREIGN LANGUAGE WEEK

Whereas, Alpha Mu Gamma, the national collegiate foreign language honorary society, was founded in Los Angeles City College in 1931 to recognize achievement in the field of foreign language study and to encourage interest in the study of foreign languages, literatures and cultures; and

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Whereas, there are more than 300 Alpha Mu Gamma chapters at colleges and universities across the United States; and

Whereas, Alpha Mu Gamma works with the Illinois Council on the Teaching of Foreign Languages to promote a week dedicated to the recognition of the importance of foreign language study; and

Whereas, the first National Foreign Language Week was proclaimed in 1957 by President Dwight Eisenhower, and its 40th anniversary will be celebrated in 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 2-8, 1997, as FOREIGN LANGUAGE WEEK in Illinois.

Issued by the Governor December 13, 1996.

Filed by the Secretary of State December 19, 1996.

96-648

HOUR OF PEACE

Whereas, the United States of America is a melting pot of varied nationalities, religious faiths and cultures, and the strength of our great State of Illinois rests in the cooperative community of its citizens; and

Whereas, the first day of a new year typically denotes hopeful expectation and positive resolve in the hearts and minds of citizens; and

Whereas, the School of Metaphysics is an organization founded to promote peace, understanding and goodwill within individuals and among all people; and

Whereas, the School of Metaphysics declares a Universal Hour of Peace on January 1, 1997, at noon Universal Time (G.M.T.) as an hour when all people are encouraged to dedicate their thoughts and actions to peace;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 6:00 a.m. C.S.T. January 1, 1997, as an HOUR OF PEACE in Illinois.

Issued by the Governor December 13, 1996.

Filed by the Secretary of State December 19, 1996.

69-649

ROBERT BARGER CONGRATULATED

Whereas, Robert H. Barger began his career in public health on April Fools Day, 1963, which was appropriate since Mr. Barger has been known to act foolishly; and

Whereas, Mr. Barger advanced from a position of X-ray technician in 1963 to Assistant Section Chief in 1984; and

Whereas, he has earned the respect and appreciation of everyone with whom he interacts, except the deer; and

Whereas, Mr. Barger has demonstrated diplomacy and professionalism in his position;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate Robert Barger on his 33 years of service and dedication to public health.

Issued by the Governor December 13, 1996.

Filed by the Secretary of State December 19, 1996.

96-650

ETHEL CUSHMAN MOURNERS EXTENDED DEEPEST SYMPATHY

Whereas, Ethel Cushman was born on February 28, 1909, to the union of Lena

Brown and John Glenn; and

Whereas, Ethel married Edward Knight, with whom she had two children, Lena Knight-Weathers and Edward Knight, Jr.; and

Whereas, Ethel later married Eddie Cushman, with whom she spent 30 wonderful years, until his death; and

Whereas, Ethel was an accomplished cosmetologist who owned several salons as well as opened one of the first black-owned schools of cosmetology; and

Whereas, Ethel was a very spiritual woman who was a life-time member of Pilgrim Temple C.M.E. Church, and served on many committees and boards, including Stewardess Board #1; and

Whereas, Ethel was also very active in her community and very loved. She was known as the "Mother of the Community," and in her later years volunteered and participated in many senior citizen activities; and

Whereas, Ethel is survived by her daughter, Lena, 11 grandchildren, 28 great-grandchildren, a sister-in-law, two nieces, one nephew, one great-nephew, and many other friends and relatives;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend my deepest sympathy to those who mourn the death of Ethel Cushman.

Issued by the Governor December 16, 1996.

Filed by the Secretary of State December 19, 1996.

96-651

ASIAN AMERICAN UNITY DAY

Whereas, the State of Illinois is home to over 375,000 Asian Americans, the fifth largest population in United States, who have brought with them the values and traditions of their homelands; and

Whereas, Asian Americans have greatly influenced the culture of all citizens in the State of Illinois; and

Whereas, Asian Americans take an active role in the civic, educational, cultural and economical development of our state, and have contributed tremendously to our nation's progress in the fields of government, science, technology, education, art, commerce and medicine; and

Whereas, the State of Illinois commends leaders of the Asian American community who have made the 14th Annual Asian American Coalition Lunar New Year Celebration a success. This event is truly an indication of cohesive and dynamic leadership and is the result of many years of networking among its dedicated leaders;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8, 1997, as ASIAN AMERICAN UNITY DAY in Illinois. I urge all citizens to acknowledge the contributions of all Asian American in our state.

Issued by the Governor December 17, 1996.

Filed by the Secretary of State December 19, 1996.

96-652

FOUR CHAPLAINS DAY

Whereas, one of the most inspiring acts of heroism in World War II occurred on February 2, 1943; and

Whereas, in a final act of love and dedication, four chaplains representing the Methodist, Roman Catholic, Jewish and Dutch Reformed faiths, gave the only remaining life jackets to four fearful American servicemen and

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directed the young soldiers to lifeboats; and
Whereas, the four United States Army Chaplains then sank with the
torpedoed U.S.S. Dorchester in the North Atlantic, with their arms linked
around each other while they prayed together; and

Whereas, each year a memorial program is sponsored by the Combined
Veterans Association of Illinois to honor the chaplains. This year, it is
hosted by the Department of Illinois AMVETS; and

Whereas, February 2, 1997, marks the 54th anniversary of the historic
occasion of "Four Chaplains Sunday;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim
February 2, 1997, as FOUR CHAPLAINS DAY in Illinois, in an effort to perpetuate
the memory of these men who so convincingly demonstrated their boundless love
for others.

Issued by the Governor December 18, 1996.

Filed by the Secretary of State December 19, 1996.

Rules acted upon during the quarter of January 1 through March 31, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED

71-400-1

17-850-1

35-201-1

35-211-1

80-1540-1

80-1650-1

89-407-1

89-590-1

ADOPTED

2-560-1

35-302-1

35-304-1

68-1220-1

77-1190-1

89-117-1

92-1002-1

EMERGENCY

80-1540-1

80-1650-1

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